

Page 4

1 (Pages 1 to 4)

<p style="text-align: right;">Page 5</p> <p>1 RICHARD BOSETTI</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by</p> <p>3 and between the attorneys for the respective</p> <p>4 parties herein, that filing and sealing and</p> <p>5 the same are hereby waived.</p> <p>6 IT IS FURTHER STIPULATED AND AGREED</p> <p>7 that all objections, except as to the form</p> <p>8 of the question, shall be reserved to the</p> <p>9 time of the trial.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the within deposition may be sworn to</p> <p>12 and signed before any officer authorized to</p> <p>13 administer an oath, with the same force and</p> <p>14 effect as if signed and sworn to before the</p> <p>15 Court.</p> <p>16 - oOo -</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 RICHARD BOSETTI</p> <p>2 BY MR. GOODSTADT: 10:05:52AM</p> <p>3 Q Good morning, Mr. Bosetti. 10:05:52AM</p> <p>4 A Good morning. 10:05:54AM</p> <p>5 Q My name is Andrew Goodstadt, and I'm 10:05:54AM</p> <p>6 an attorney at the law firm of Thompson Wigdor &</p> <p>7 Gilly, and our firm represents the plaintiffs in</p> <p>8 this matter. They are Ed Carter, Tom Snyder,</p> <p>9 Joe Nofi, Frank Fiorillo and Kevin Lamm, and</p> <p>10 they're suing the Incorporated Village of Ocean</p> <p>11 Beach, as well as some other entities and</p> <p>12 individuals.</p> <p>13 And I thank you for coming this 10:06:17AM</p> <p>14 morning.</p> <p>15 MR. GOODSTADT: Just mark that. 10:06:21AM</p> <p>16 (Whereupon, Subpoena was marked as R. 10:06:22AM</p> <p>17 Bosetti Exhibit 1 for identification, as of</p> <p>18 this date.)</p> <p>19 MR. GOODSTADT: I've placed in front 10:06:37AM</p> <p>20 Mr. Bosetti what's been marked as R.</p> <p>21 Bosetti 1. It is a two-page subpoena that</p> <p>22 was issued to Richard Bosetti.</p> <p>23 BY MR. GOODSTADT: 10:06:58AM</p> <p>24 Q Mr. Bosetti, do you recognize the 10:06:59AM</p> <p>25 document mark that's been marked as Bosetti 1?</p>
<p style="text-align: right;">Page 6</p> <p>1 RICHARD BOSETTI</p> <p>2 RICHARD BOSETTI,</p> <p>3 Called as a witness herein, having</p> <p>4 first been duly sworn, was examined and</p> <p>5 testified as follows:</p> <p>6 BY THE REPORTER:</p> <p>7 Q Please state your name and address for</p> <p>8 the record.</p> <p>9 A Richard Bosetti, 344 Campus Road,</p> <p>10 Franklin Square, New York 11010.</p> <p>11</p> <p>12 THE VIDEOGRAPHER: This is the start 10:05:16AM</p> <p>13 of Tape Number 1, videotaped deposition of</p> <p>14 Richard Bosetti in the matter Carter, et al</p> <p>15 versus Incorporated Village of Ocean Beach,</p> <p>16 et al. Today's date is February 10th,</p> <p>17 2009 at approximately 10:06 a.m.</p> <p>18 Will the court reporter please swear 10:05:32AM</p> <p>19 in the witness.</p> <p>20 EXAMINATION 10:05:34AM</p> <p>21 MR. NOVIKOFF: Regular stips, Andrew? 10:05:48AM</p> <p>22 MR. GOODSTADT: Sure. Federal rules, 10:05:51AM</p> <p>23 local rules govern?</p> <p>24 MR. NOVIKOFF: Yes. 10:05:51AM</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yes. 10:07:03AM</p> <p>3 Q And this is the subpoena that was 10:07:03AM</p> <p>4 served on you in or around August of 2008?</p> <p>5 A Yes. 10:07:08AM</p> <p>6 Q And I know that the date that you were 10:07:08AM</p> <p>7 noticed to come here has subsequently changed a</p> <p>8 bunch of times. But you're here pursuant to</p> <p>9 this subpoena, correct?</p> <p>10 A Yes. 10:07:18AM</p> <p>11 Q And I know that the court reporter has 10:07:21AM</p> <p>12 informed us that your current home address is on</p> <p>13 the record already. But is the home address</p> <p>14 that's listed, this Franklin Square address, is</p> <p>15 that your current home address?</p> <p>16 A Correct. 10:07:32AM</p> <p>17 Q How long have you lived there? 10:07:32AM</p> <p>18 A About 15, 16 years. 10:07:34AM</p> <p>19 Q And do you own that property or rent 10:07:37AM</p> <p>20 it?</p> <p>21 A Own it. 10:07:39AM</p> <p>22 Q And whom do you live with there? 10:07:40AM</p> <p>23 A My wife and three boys. 10:07:42AM</p> <p>24 Q Can you tell me the ages of your boys? 10:07:48AM</p> <p>25 A Twenty-one, 18 and 17. 10:07:51AM</p>

Page 9	Page 11
<p>1 RICHARD BOSETTI</p> <p>2 Q And have the three boys lived with you 10:07:57AM</p> <p>3 the entire time that you lived in that</p> <p>4 residence?</p> <p>5 A Yes. 10:08:02AM</p> <p>6 Q And what is your wife's name? 10:08:02AM</p> <p>7 A Deborah. 10:08:05AM</p> <p>8 Q Deborah Bosetti? 10:08:07AM</p> <p>9 A Yes. 10:08:08AM</p> <p>10 Q How long have you been married to 10:08:11AM</p> <p>11 Ms. Bosetti?</p> <p>12 A About 22 years. 10:08:15AM</p> <p>13 Q Before we get started, I just wanted 10:08:24AM</p> <p>14 to go over some ground rules today so everyone's</p> <p>15 on the same page; is that okay?</p> <p>16 A Okay, sure. 10:08:31AM</p> <p>17 Q You understand that you're testifying 10:08:32AM</p> <p>18 under oath today?</p> <p>19 A Yes. 10:08:34AM</p> <p>20 Q And that you've sworn to tell the 10:08:35AM</p> <p>21 truth and that failure to do so can result in a</p> <p>22 criminal sanction?</p> <p>23 A Right. 10:08:41AM</p> <p>24 Q Have you ever testified under oath 10:08:41AM</p> <p>25 before?</p>	<p>1 RICHARD BOSETTI</p> <p>2 complex after that. The lawyers said you can't</p> <p>3 sue the city. But the housing complex, the</p> <p>4 guard that I had the shootout with at the time</p> <p>5 was barricaded in a room, and he had a licensed</p> <p>6 pistol and meanwhile he was the security guard</p> <p>7 for the building. So --</p> <p>8 Q How was that case resolved? 10:10:18AM</p> <p>9 A I won. 10:10:19AM</p> <p>10 Q At trial? 10:10:21AM</p> <p>11 A No trial. No, the case? He was sent 10:10:21AM</p> <p>12 away for a few years.</p> <p>13 Q You testified at a criminal matter? 10:10:30AM</p> <p>14 A He was psycho, actually. 10:10:32AM</p> <p>15 Q Just so I'm clear, you testified in a 10:10:34AM</p> <p>16 criminal matter or the civil matter?</p> <p>17 A I testified in a civil matter. 10:10:37AM</p> <p>18 Q What was the outcome of that 10:10:39AM</p> <p>19 proceeding?</p> <p>20 A I won my case. 10:10:41AM</p> <p>21 Q At trial? 10:10:43AM</p> <p>22 A I testified like today. There was no 10:10:45AM</p> <p>23 trial.</p> <p>24 Q Did you settle the case? 10:10:48AM</p> <p>25 A Yes, the case was settled. 10:10:49AM</p>
Page 10	Page 12
<p>1 RICHARD BOSETTI</p> <p>2 A Yes. 10:08:43AM</p> <p>3 Q How many times? 10:08:45AM</p> <p>4 A Quite a few, maybe 10. 10:08:48AM</p> <p>5 Q Let's put aside your testimony in 10:08:52AM</p> <p>6 criminal matters in your role as a police</p> <p>7 officer. How many other times have you</p> <p>8 testified under oath?</p> <p>9 A Civil matters, one other time. 10:09:02AM</p> <p>10 Q Where was that? 10:09:08AM</p> <p>11 A I was suing the City of New York and a 10:09:09AM</p> <p>12 housing complex for -- I was in a shootout, and</p> <p>13 I was shot in the arm.</p> <p>14 Q And when was your testimony, what year 10:09:17AM</p> <p>15 was that?</p> <p>16 A I'm only guessing now. The shootout 10:09:23AM</p> <p>17 was in 1992, but the testimony was a few years</p> <p>18 after that. So maybe '0- -- maybe 2007, 2008.</p> <p>19 Q 1997 -- 10:09:37AM</p> <p>20 A I'm sorry. 1998. 10:09:38AM</p> <p>21 Q What were you suing the city for? 10:09:44AM</p> <p>22 A The amount? 10:09:47AM</p> <p>23 Q No. What was the claims? 10:09:48AM</p> <p>24 A Oh, the claim. It wasn't -- actually, 10:09:50AM</p> <p>25 the city didn't get sued. It was the housing</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q How much did you settle for? 10:10:51AM</p> <p>3 A I think it was \$45,000. 10:10:55AM</p> <p>4 Q What lawyer represented you in 10:10:59AM</p> <p>5 connection with that matter?</p> <p>6 A I don't recall. 10:11:03AM</p> <p>7 Q Was it Mr. LaPinta or anyone from his 10:11:06AM</p> <p>8 firm?</p> <p>9 A Oh, no, no, no. 10:11:09AM</p> <p>10 Q Other than for that testimony in 1997 10:11:12AM</p> <p>11 or '98, have you testified in any other civil</p> <p>12 matters?</p> <p>13 A Give me a couple of minutes. 10:11:24AM</p> <p>14 No, I don't think so. No. 10:11:28AM</p> <p>15 Q And other than for your role as a 10:11:30AM</p> <p>16 police officer, have you testified in any</p> <p>17 criminal matters?</p> <p>18 A No, not that I recall. 10:11:37AM</p> <p>19 Q So since you've done this once, you 10:11:40AM</p> <p>20 know, I'm sure you probably remember some of the</p> <p>21 rules, but why don't we just finish the ground</p> <p>22 rules.</p> <p>23 We're getting a transcript of today's 10:11:49AM</p> <p>24 proceedings, so it's important you give verbal</p> <p>25 answers as opposed to a shake of the head or</p>

3 (Pages 9 to 12)

Page 13	Page 15
<p>1 RICHARD BOSETTI</p> <p>2 movement of the hands.</p> <p>3 A Right. 10:11:57AM</p> <p>4 Q Do you understand that? 10:11:57AM</p> <p>5 If you don't hear or understand a 10:11:58AM</p> <p>6 question that I ask, just ask me to repeat it or</p> <p>7 rephrase it. I'll be more than happy to do so.</p> <p>8 Is that okay? 10:12:05AM</p> <p>9 A Yes. 10:12:06AM</p> <p>10 Q If you don't hear or understand a 10:12:06AM</p> <p>11 phrase or a word that I use, again, just let me</p> <p>12 know. I'll be happy to repeat it or rephrase</p> <p>13 it. Just let me know, okay?</p> <p>14 A Sure. 10:12:12AM</p> <p>15 Q Because if you answer the question, 10:12:13AM</p> <p>16 I'm going to assume that you both heard the</p> <p>17 question and that you understood it and that you</p> <p>18 heard every word in the question and that you</p> <p>19 understood every word; is that fair?</p> <p>20 MR. NOVIKOFF: Objection. 10:12:23AM</p> <p>21 A Sure, that's fair. 10:12:25AM</p> <p>22 Q It's also important that you let me 10:12:29AM</p> <p>23 finish my questions before you give the answers,</p> <p>24 just as though I'm going to let you finish all</p> <p>25 your answers before I give the next question.</p>	<p>1 RICHARD BOSETTI</p> <p>2 A No. 10:13:13AM</p> <p>3 Q Is there anything that you can think 10:13:13AM</p> <p>4 of that would impair your ability to testify</p> <p>5 fully and truthfully today?</p> <p>6 A Nothing at all. 10:13:22AM</p> <p>7 Q Are you represented by an attorney in 10:13:23AM</p> <p>8 connection with this deposition?</p> <p>9 A My attorney's right here (indicating). 10:13:27AM</p> <p>10 Q And your attorney's name is? 10:13:29AM</p> <p>11 A Michael. 10:13:31AM</p> <p>12 MR. FEHRINGER: Fehringer. 10:13:34AM</p> <p>13 BY MR. GOODSTADT: 10:13:36AM</p> <p>14 Q And he's sitting right next to you, 10:13:36AM</p> <p>15 correct?</p> <p>16 A Correct. 10:13:39AM</p> <p>17 Q When did you learn for the first time 10:13:40AM</p> <p>18 that the plaintiffs in this matter were making</p> <p>19 allegations against Ocean Beach?</p> <p>20 MR. NOVIKOFF: Objection. 10:13:49AM</p> <p>21 BY MR. GOODSTADT: 10:13:49AM</p> <p>22 Q You can answer. 10:13:50AM</p> <p>23 A I can answer? On the civil case? I 10:13:51AM</p> <p>24 guess when it started, a couple of years ago.</p> <p>25 Q How did you learn that they were 10:13:59AM</p>
Page 14	Page 16
<p>1 RICHARD BOSETTI</p> <p>2 That's so we have a clear record.</p> <p>3 A Sure. 10:12:39AM</p> <p>4 Q If at any point in time you feel the 10:12:39AM</p> <p>5 need to take a break or you want to take a</p> <p>6 recess, just let me know. I'll be happy to</p> <p>7 accommodate that request.</p> <p>8 A Okay. 10:12:47AM</p> <p>9 Q The only thing I ask is that if I ask 10:12:47AM</p> <p>10 you a question, you answer it first and then we</p> <p>11 take the break, okay?</p> <p>12 A Okay. 10:12:53AM</p> <p>13 Q Are you presently taking any 10:12:54AM</p> <p>14 medications?</p> <p>15 A High blood pressure. 10:12:56AM</p> <p>16 Q Is there anything about your ingestion 10:12:58AM</p> <p>17 of the high blood pressure medication that you</p> <p>18 think would affect your ability to testify</p> <p>19 today?</p> <p>20 A No. 10:13:05AM</p> <p>21 Q Have you consumed any alcoholic 10:13:05AM</p> <p>22 beverages or controlled substances in the last</p> <p>23 24 hours?</p> <p>24 A No. 10:13:10AM</p> <p>25 Q Are you sick at all today? 10:13:12AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 making allegations in this matter?</p> <p>3 A Through work, word of mouth. 10:14:04AM</p> <p>4 Q What do you mean by that? 10:14:07AM</p> <p>5 A Someone at work, an officer or someone 10:14:09AM</p> <p>6 said that the four guys are suing the town.</p> <p>7 Q Who told you that? 10:14:17AM</p> <p>8 A I don't recall. It's just around the 10:14:18AM</p> <p>9 station house.</p> <p>10 Q Do you recall where you were when you 10:14:24AM</p> <p>11 heard that for the first time?</p> <p>12 A Probably in the station house. 10:14:27AM</p> <p>13 Q But you're just guessing now? You 10:14:29AM</p> <p>14 don't recall?</p> <p>15 A I'm just guessing. I don't recall for 10:14:31AM</p> <p>16 sure.</p> <p>17 Q Did you actually see a copy of the 10:14:33AM</p> <p>18 complaint that was filed at that time?</p> <p>19 A I don't recall that either. 10:14:39AM</p> <p>20 Q Have you ever seen a copy of the 10:14:40AM</p> <p>21 complaint in this case?</p> <p>22 A No. 10:14:43AM</p> <p>23 Q What was your reaction when you 10:14:46AM</p> <p>24 learned that the plaintiffs in this case were</p> <p>25 raising allegations against the beach and</p>

<p style="text-align: right;">Page 17</p> <p>1 RICHARD BOSETTI</p> <p>2 others?</p> <p>3 MR. NOVIKOFF: Objection. 10:14:55AM</p> <p>4 BY MR. GOODSTADT: 10:14:56AM</p> <p>5 Q You can answer. Unless you're 10:14:57AM</p> <p>6 instructed not to answer by your counsel --</p> <p>7 A Oh, okay. 10:15:03AM</p> <p>8 Q -- then you can answer the question. 10:15:03AM</p> <p>9 A I thought they had a lot of nerve, to 10:15:05AM</p> <p>10 tell you the truth.</p> <p>11 Q Why did you think that? 10:15:09AM</p> <p>12 A That was just my opinion. My opinion 10:15:12AM</p> <p>13 was they should've been let go a long time ago.</p> <p>14 Q And what's the basis of that opinion? 10:15:17AM</p> <p>15 A That they weren't good cops. 10:15:20AM</p> <p>16 Q What do you mean by they weren't good 10:15:23AM</p> <p>17 cops?</p> <p>18 A They didn't know how to treat people. 10:15:25AM</p> <p>19 They had no discretion.</p> <p>20 Q Are you referring to all five of them 10:15:29AM</p> <p>21 or just one of them or certain specific</p> <p>22 individuals?</p> <p>23 A Specific individuals. 10:15:37AM</p> <p>24 Q Which ones? 10:15:38AM</p> <p>25 A One would be Nofi. The second one 10:15:41AM</p>	<p style="text-align: right;">Page 19</p> <p>1 RICHARD BOSETTI</p> <p>2 assistance.</p> <p>3 Q And how did you learn that he called a 10:16:53AM</p> <p>4 10/1 if you weren't there?</p> <p>5 A I was working there. It was at night 10:16:57AM</p> <p>6 during the evening. What particular evening, I</p> <p>7 don't recall. But the officers were talking</p> <p>8 about it. What officers, I don't recall.</p> <p>9 Q So you don't recall any officer 10:17:08AM</p> <p>10 talking about it?</p> <p>11 A No. It's just because, you know, 10:17:11AM</p> <p>12 because I never thought anything would be</p> <p>13 made -- I laughed, and that's it.</p> <p>14 Q So you laughed that Mr. Nofi called in 10:17:17AM</p> <p>15 a 10/1?</p> <p>16 A I laughed that it was called for 10:17:21AM</p> <p>17 nothing.</p> <p>18 Q What's your basis of the belief that 10:17:23AM</p> <p>19 it was called for nothing?</p> <p>20 A Because nothing came of it. 10:17:28AM</p> <p>21 Q But you weren't there, were you? 10:17:29AM</p> <p>22 A No. 10:17:31AM</p> <p>23 Q You didn't respond to the 10/1, did 10:17:31AM</p> <p>24 you?</p> <p>25 A No, I didn't. 10:17:33AM</p>
<p style="text-align: right;">Page 18</p> <p>1 RICHARD BOSETTI</p> <p>2 would be Lamm. The third one would be Fiorillo.</p> <p>3 Q What did Nofi do to lead you to the 10:15:56AM</p> <p>4 belief that he was not a good cop and did not</p> <p>5 know how to treat people?</p> <p>6 A No common sense whatsoever. Instead 10:16:03AM</p> <p>7 of yes, ma'am, no, ma'am, one-word answers. If</p> <p>8 he had a problem with somebody, he would say,</p> <p>9 let's go around the back, I'll take off my gun</p> <p>10 belt and settle it.</p> <p>11 Q He told you that? 10:16:16AM</p> <p>12 A Yes, he told me that. 10:16:17AM</p> <p>13 Q How many times? 10:16:18AM</p> <p>14 A Well, I know once for sure. And then 10:16:19AM</p> <p>15 a few other times he says, I don't care what</p> <p>16 happens, I'll go behind -- I'll take him in the</p> <p>17 back, take off my gun belt and beat the shit out</p> <p>18 of him.</p> <p>19 Q Did you ever know Joe Nofi to ever get 10:16:31AM</p> <p>20 into a fight with anyone?</p> <p>21 A I know Joe Nofi to one time having 10:16:35AM</p> <p>22 called a 10/1, and from what I understand -- I</p> <p>23 wasn't there for that, but there was really</p> <p>24 nothing going on. He had an altercation with</p> <p>25 somebody. A 10/1 is a police officer needs</p>	<p style="text-align: right;">Page 20</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Did any officers respond to the 10/1? 10:17:34AM</p> <p>3 A I'm not sure. 10:17:36AM</p> <p>4 Q And 10/1 you said is an officer -- 10:17:37AM</p> <p>5 what was a 10/1?</p> <p>6 A An officer needs assistance. In the 10:17:41AM</p> <p>7 city, it was a 10/13. So if I get confused with</p> <p>8 the two, you gotta forgive me.</p> <p>9 Q So you get confused between the city 10:17:49AM</p> <p>10 codes and the Suffolk County codes?</p> <p>11 MR. NOVIKOFF: Objection. 10:17:54AM</p> <p>12 A Really. 10:17:55AM</p> <p>13 No, I don't. 10:17:55AM</p> <p>14 Q Did Arnold Hardman tell you that Joe 10:18:02AM</p> <p>15 Nofi called in a 10/1?</p> <p>16 A I don't recall. 10:18:07AM</p> <p>17 Q Did you ever discuss that 10/1 with 10:18:08AM</p> <p>18 Hardman?</p> <p>19 A I don't recall. It was -- 10:18:11AM</p> <p>20 Q So when I asked you if you've ever 10:18:17AM</p> <p>21 known Joe Nofi to get in a fight, you testified</p> <p>22 about this 10/1 incident. Did Joe Nofi actually</p> <p>23 get into a fight in that 10/1 incident?</p> <p>24 MR. NOVIKOFF: Objection to the 10:18:31AM</p> <p>25 characterization.</p>

Page 21

1 RICHARD BOSETTI

2 A Not that I recall, no. 10:18:32AM

3 Q Let's go back to the question I asked 10:18:33AM

4 before.

5 Did you ever know Joe Nofi to get into 10:18:33AM

6 a fight?

7 A No. 10:18:36AM

8 Q So all these times that he threatened 10:18:36AM

9 to take off his police belt and go out back --

10 A Right. 10:18:42AM

11 Q -- he never actually did that, did he? 10:18:42AM

12 A He may have. I don't know. I wasn't 10:18:46AM

13 there.

14 Q You're not aware of any time? 10:18:47AM

15 A I'm not aware. 10:18:49AM

16 Q The time that he said that to you, you 10:18:50AM

17 didn't actually go out in the back and have a

18 fight, did you?

19 A No. 10:18:56AM

20 Q What prompted him to tell you that he 10:18:56AM

21 was going to take off his belt and take you out

22 back?

23 A I don't recall the incident. I just 10:18:59AM

24 recall the remark.

25 Q When did that incident happen? 10:19:02AM

Page 22

1 RICHARD BOSETTI

2 A I don't recall. On a 4 to 12, that's 10:19:04AM

3 all I know. It was at night, in the evening.

4 Q Do you recall what year it was? 10:19:08AM

5 A No. 10:19:08AM

6 Q Do you recall what month it was? 10:19:09AM

7 A No. 10:19:12AM

8 Q Do you recall who else was there? 10:19:13AM

9 A No. 10:19:14AM

10 Q Do you recall what you responded to 10:19:17AM

11 him when he said that to you?

12 A Did I respond to him? I laughed. 10:19:20AM

13 Q So you laughed at him when he said we 10:19:23AM

14 should take off belts and go out back and get

15 into a fight?

16 MR. NOVIKOFF: Objection to the 10:19:30AM

17 characterization of the testimony. I don't

18 think he said "we should."

19 A Right. Right. I never did that. 10:19:32AM

20 MR. GOODSTADT: Wait a second. 10:19:36AM

21 THE WITNESS: Excuse me. 10:19:39AM

22 MR. GOODSTADT: What did that note say 10:19:41AM

23 that you passed in front of the witness

24 while he's testifying?

25 MR. FEHRINGER: Just told him to spit 10:19:44AM

Page 23

1 RICHARD BOSETTI

2 out his gum.

3 MR. GOODSTADT: Okay. I've never seen 10:19:47AM

4 a lawyer pass a note to a witness during a

5 deposition.

6 BY MR. GOODSTADT: 10:19:57AM

7 Q Were there any other occasions in 10:19:59AM

8 which Mr. Nofi said to you I'll take off my

9 belt, let's go out back, other than for the one

10 incident that you don't recall any details of?

11 A He never said that to me, take off our 10:20:10AM

12 belts and we'll go out back. He said -- he told

13 me he would say it to other people, people he

14 had altercations with. People that -- I don't

15 know. I don't know the instance, but he said

16 that.

17 Q So he told you that he told other 10:20:22AM

18 people that he's going to take off his belt and

19 go out back?

20 A Yes. 10:20:27AM

21 Q Do you know who he told that to? 10:20:28AM

22 MR. NOVIKOFF: Specifically or 10:20:31AM

23 generally?

24 MR. GOODSTADT: Specifically. 10:20:33AM

25 MR. NOVIKOFF: Okay. 10:20:35AM

Page 24

1 RICHARD BOSETTI

2 A No, I don't know the names of the 10:20:35AM

3 people.

4 Q Did you ever actually hear him 10:20:37AM

5 actually say that?

6 A I can't say that for sure. 10:20:42AM

7 Q Okay. So other than for telling 10:20:43AM

8 people that he's going to take off his belt and

9 take them out back, of which you know absolutely

10 no details of, what else did Joe Nofi do to lead

11 you to believe that he was not a good police

12 officer.

13 MR. NOVIKOFF: Objection as to the 10:20:57AM

14 form of the question.

15 You can answer. 10:20:58AM

16 A Well, I don't think Joe Nofi was a 10:21:01AM

17 good police officer because I told you of the

18 way he treated people.

19 Q Give me some examples of the way he 10:21:08AM

20 treated people that leads you to that

21 conclusion.

22 A Also -- you're going to ask me 10:21:13AM

23 specifically when, but Joe Nofi was antisemitic

24 and made antisemitic remarks, along with Tommy

25 Snyder and Kevin Lamm.

Page 25

1 RICHARD BOSETTI

2 **Q When did Joe Nofi make an antisemitic 10:21:36AM**

3 **remark?**

4 A I knew you were gonna say that.. I 10:21:39AM

5 just know from the years knowing him he said

6 that. Just remarks.

7 **Q What year did he say it in? 10:21:45AM**

8 A Between 2002 and 2007. 10:21:46AM

9 **Q So at some point within this five-year 10:21:48AM**

10 **period, you heard him say those remarks?**

11 A Yes. 10:21:54AM

12 **Q What were those remarks? 10:21:54AM**

13 A I don't recall the remark.. 10:21:56AM

14 **Q Do you recall any of the remarks? 10:21:57AM**

15 A Yeah. I recall remarks. I can't say 10:21:58AM

16 specifically from whom.

17 **Q I'm talking about Joe Nofi right 10:22:02AM**

18 **now --**

19 A No. 10:22:07AM

20 **Q You've now accused Joe Nofi under oath 10:22:08AM**

21 **of being antisemitic.**

22 A Yes. 10:22:10AM

23 **Q I want to know the basis of that 10:22:11AM**

24 **accusation.**

25 MR. NOVIKOFF: Objection. Asked and 10:22:15AM

Page 26

1 RICHARD BOSETTI

2 answered.

3 You can answer again. 10:22:16AM

4 A Throughout the years, I've heard him 10:22:16AM

5 say antisemitic remarks. If you ask me about

6 the day or the time, I don't know.

7 **Q Okay. We've already established you 10:22:23AM**

8 **don't know the day or the time.**

9 A Yeah. 10:22:27AM

10 **Q What did he say? 10:22:28AM**

11 A I don't know. Antisemitic remarks. 10:22:29AM

12 **Q You can't tell me one single 10:22:30AM**

13 **antisemitic remark he made?**

14 A No. I can't tell you word for word, 10:22:31AM

15 but I know when somebody's prejudiced against

16 certain people.

17 **Q Well, I know you think he's prejudiced 10:22:36AM**

18 **against Jewish people. I want to know what he**

19 **said to lead you to that belief.**

20 A I don't remember the words. If I did, 10:22:43AM

21 I'd have to make them up. But I know he led me

22 to believe that he was antisemitic, along with

23 two other officers.

24 **Q Okay. We'll move on to the other 10:22:51AM**

25 **officers. I'm right now focused on Mr. Nofi.**

Page 27

1 RICHARD BOSETTI

2 **Do you recall where you when you heard 10:22:57AM**

3 **these antisemitic remarks?**

4 A No. 10:23:03AM

5 **Q Who else was there when these alleged 10:23:04AM**

6 **antisemitic remarks were made?**

7 A I don't recall. 10:23:08AM

8 **Q What was your response when you heard 10:23:08AM**

9 **him make antisemitic remarks?**

10 A I kept my mouth shut. 10:23:09AM

11 **Q You didn't tell him it offended you? 10:23:11AM**

12 A Excuse me? 10:23:13AM

13 **Q You didn't tell him it offended you? 10:23:13AM**

14 A No, I didn't tell him it offended me, 10:23:16AM

15 but it did.

16 **Q You didn't ask him to stop? 10:23:17AM**

17 A No, I didn't ask him to stop. 10:23:19AM

18 **Q How come? 10:23:22AM**

19 A Because sometimes cops just talk, cops 10:23:22AM

20 let off steam, and that's it. If I'm gonna stop

21 every cop from every word that he says that

22 might be a little bit off the wall, I'd be

23 arguing with cops all day.

24 **Q This isn't off the wall. This is 10:23:35AM**

25 **accusing somebody of being antisemitic.**

Page 28

1 RICHARD BOSETTI

2 MR. NOVIKOFF: Objection to form. 10:23:40AM

3 You can answer the question. 10:23:40AM

4 A Could you say it again, please. 10:23:42AM

5 **Q I said you're not accusing him of 10:23:44AM**

6 **making an off-the-wall remark. You're accusing**

7 **him of making antisemitic comments, correct?**

8 MR. NOVIKOFF: Objection. 10:23:51AM

9 You can answer. 10:23:51AM

10 A Yes. 10:23:52AM

11 **Q And you didn't respond at all and tell 10:23:52AM**

12 **him it was offensive to you?**

13 MR. NOVIKOFF: Objection. 10:23:57AM

14 BY MR. GOODSTADT: 10:23:57AM

15 **Q You didn't tell him it was offensive 10:23:58AM**

16 **to you, these alleged antisemitic comments?**

17 A I let it go. 10:24:03AM

18 **Q When did Kevin Lamm make antisemitic 10:24:05AM**

19 **comments?**

20 A Same thing. Throughout the night. 10:24:06AM

21 **Q Throughout the night? Which night? 10:24:08AM**

22 A The nights that I worked with him. 10:24:09AM

23 **Q How many times did he make antisemitic 10:24:11AM**

24 **comments?**

25 A I don't recall. 10:24:12AM

Page 29	Page 31
<p>1 RICHARD BOSETTI</p> <p>2 Q What year? 10:24:12AM</p> <p>3 A Between 2002 and 2007. 10:24:14AM</p> <p>4 Q So some point in those five years? 10:24:17AM</p> <p>5 A Yeah. 10:24:19AM</p> <p>6 Q Who else was present when he made 10:24:19AM</p> <p>7 these alleged remarks?</p> <p>8 A More than once in the five years. 10:24:21AM</p> <p>9 Q Who else was present when he made 10:24:23AM</p> <p>10 these alleged comments?</p> <p>11 A I don't recall. 10:24:26AM</p> <p>12 Q What were the comments? 10:24:26AM</p> <p>13 A I don't recall. 10:24:27AM</p> <p>14 Q Do you recall any of the comments? 10:24:29AM</p> <p>15 A Excuse me? 10:24:30AM</p> <p>16 Q Do you recall any of the comments? 10:24:31AM</p> <p>17 A No. 10:24:33AM</p> <p>18 Q How many times in that six-year period 10:24:34AM</p> <p>19 were these comments made?</p> <p>20 A How many times? 10:24:42AM</p> <p>21 Q Yeah. 10:24:43AM</p> <p>22 A I can't put a number on it. 10:24:44AM</p> <p>23 Q Do you know any of the details of 10:24:46AM</p> <p>24 these comments?</p> <p>25 A Who are we on now? 10:24:50AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A When people are working throughout the 10:25:26AM</p> <p>3 course of an evening, you hear all kinds of</p> <p>4 things; and if you're going to tell the boss on</p> <p>5 everything that's said, it would be ridiculous.</p> <p>6 Now, was it -- should I have? Maybe. 10:25:36AM</p> <p>7 But cops make remarks, and that's the way I took</p> <p>8 it from.</p> <p>9 Q But don't you think it's a serious 10:25:42AM</p> <p>10 situation when a cop with arrest powers makes a</p> <p>11 remarks against a religious group of people?</p> <p>12 MR. NOVIKOFF: Objection. 10:25:51AM</p> <p>13 A I've been a cop for 26 years, okay, 10:25:52AM</p> <p>14 and I've heard plenty of remarks, and that's it.</p> <p>15 People talk. Guys talk. You talk when you go</p> <p>16 out with your friends.</p> <p>17 Q That wasn't the question, though, sir. 10:26:03AM</p> <p>18 The question was: Don't you think 10:26:04AM</p> <p>19 it's serious when a police officer with arrest</p> <p>20 powers makes a remark, a derogatory remark</p> <p>21 against a religious group of people?</p> <p>22 MR. NOVIKOFF: Objection. 10:26:15AM</p> <p>23 A Morally, yeah. Yeah. 10:26:17AM</p> <p>24 Q But not as a police officer? 10:26:19AM</p> <p>25 MR.. NOVIKOFF: Objection. 10:26:22AM</p>
Page 30	Page 32
<p>1 RICHARD BOSETTI</p> <p>2 Q Tom Snyder. No, Kevin Lamm. Kevin 10:24:53AM</p> <p>3 Lamm.</p> <p>4 A On Kevin Lamm? 10:24:55AM</p> <p>5 Q Yes. 10:24:56AM</p> <p>6 A No. 10:24:59AM</p> <p>7 Q Did you tell Kevin Lamm that his 10:24:59AM</p> <p>8 statements offended you?</p> <p>9 A No. 10:25:02AM</p> <p>10 Q Did you ask him to stop? 10:25:02AM</p> <p>11 A No. 10:25:04AM</p> <p>12 Q Did you report his statements to 10:25:04AM</p> <p>13 anyone?</p> <p>14 A No. 10:25:07AM</p> <p>15 Q Was he on duty when he made these 10:25:07AM</p> <p>16 statements?</p> <p>17 A Of course. 10:25:10AM</p> <p>18 Q So he's making antisemitic statements, 10:25:10AM</p> <p>19 a cop with arrest powers, and you don't tell</p> <p>20 Officer Hesse?</p> <p>21 MR. NOVIKOFF: Objection. 10:25:19AM</p> <p>22 BY MR. GOODSTADT: 10:25:20AM</p> <p>23 Q You don't tell Officer Hesse that one 10:25:20AM</p> <p>24 of his officers are making antisemitic comments?</p> <p>25 MR. NOVIKOFF: Objection. 10:25:26AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A As a police officer, you're supposed 10:26:22AM</p> <p>3 to treat everybody fairly; and if he makes a</p> <p>4 remark, he makes a remark.</p> <p>5 Q And you didn't report it to Chief 10:26:31AM</p> <p>6 Paradiso?</p> <p>7 MR. NOVIKOFF: Objection. 10:26:36AM</p> <p>8 A No. 10:26:39AM</p> <p>9 MR. NOVIKOFF: I withdraw the 10:26:41AM</p> <p>10 objection. You said Hesse before.</p> <p>11 BY MR. GOODSTADT: 10:26:43AM</p> <p>12 Q You didn't say anything to Chief 10:26:44AM</p> <p>13 Paradiso?</p> <p>14 A No. 10:26:47AM</p> <p>15 Q Who was the mayor at the time? 10:26:47AM</p> <p>16 A Rogers. 10:26:49AM</p> <p>17 Q Did you tell Mayor Rogers? 10:26:50AM</p> <p>18 A No. 10:26:52AM</p> <p>19 Q Did you tell Trustee Loeffler? 10:26:52AM</p> <p>20 A No. 10:26:55AM</p> <p>21 Q Did you tell any of the trustees? 10:26:55AM</p> <p>22 A No. 10:26:57AM</p> <p>23 Q Did you tell any other police 10:26:57AM</p> <p>24 officers --</p> <p>25 A I had heard -- 10:27:02AM</p>

Page 33

1 RICHARD BOSETTI

2 Q That wasn't the question, sir. The 10:27:03AM

3 question was whether you told any of the other

4 police officers that Mr. Lamm made an

5 antisemitic comment.

6 A No. 10:27:09AM

7 Q Did you tell anybody that Mr. Lamm 10:27:09AM

8 made an antisemitic comment?

9 A I told my wife that officers in 10:27:14AM

10 general were making antisemitic comments.

11 Q Did you tell anyone else that Mr. Lamm 10:27:20AM

12 was making an antisemitic comment?

13 A No. 10:27:26AM

14 Q Now, I believe you said Mr. Snyder 10:27:28AM

15 made some antisemitic comments, as well; is that

16 correct?

17 A Yes. 10:27:34AM

18 Q And when did Mr. Snyder make the 10:27:34AM

19 comments?

20 A I can't remember the day, I can't 10:27:37AM

21 remember the time, but I remember it was always

22 over the senior citizen cart.

23 MR. NOVIKOFF: Cart, C-A-R-T. 10:27:46AM

24 THE WITNESS: Yes. The little taxi 10:27:49AM

25 that we use to take the senior citizens

Page 34

1 RICHARD BOSETTI

2 around town.

3 BY MR. GOODSTADT: 10:27:55AM

4 Q What year did Mr. Snyder make these 10:27:55AM

5 alleged comments?

6 A Between 2002 and 2007. 10:27:56AM

7 Q Did he make any in 2002? 10:27:57AM

8 A Yeah, probably. I can't recall the 10:27:59AM

9 instance, but I know what it was about.

10 Q You know what it was about in 2002 10:28:04AM

11 that he said?

12 A Not in 2002. In general. 10:28:06AM

13 Q I'm talking about 2002 right now. 10:28:09AM

14 Which comments did he make in 2002?

15 A It would have to be about the senior 10:28:14AM

16 cart.

17 Q I'm not asking you to speculate. I 10:28:17AM

18 want to know what comment you recall Mr. Snyder

19 saying in 2002 that leads you to accuse him of

20 being antisemitic.

21 A Now that you're asking me to put a 10:28:35AM

22 direct date on that, I can't answer that

23 correctly.

24 Q How about 2003, what comment did he 10:28:40AM

25 say?

Page 35

1 RICHARD BOSETTI

2 A Between 2002 and 2007, I can tell you 10:28:42AM

3 what I heard Mr. Snyder say. If you're going to

4 pinpoint me to a date and a time, I can't do

5 that.

6 Q Well, I want to know what happened in 10:28:50AM

7 2003. Do you recall any statement he made in

8 2003 that leads you to the conclusion that he

9 was antisemitic?

10 THE REPORTER: One at a time, please. 10:28:57AM

11 MR. NOVIKOFF: Can we have the 10:28:59AM

12 question?

13 BY MR. GOODSTADT: 10:29:00AM

14 Q Can you tell me what statements 10:29:00AM

15 Mr. Snyder made in 2003 that leads you to the

16 accusation that he's antisemitic?

17 A Okay. Between 2002 and 2007, I heard 10:29:07AM

18 Mr. Snyder, while he was answering the phones,

19 say these Jew -- now, I don't know if I'm saying

20 the exact words, so don't hold me to that.

21 Something like these Jew bastards, you gotta

22 cater to them like crazy.

23 Q When did he say that? 10:29:25AM

24 A Between 2002 and 2007. 10:29:26AM

25 Q Do you recall what year he said that? 10:29:28AM

Page 36

1 RICHARD BOSETTI

2 A No. 10:29:29AM

3 Q Where were you when you heard him say 10:29:30AM

4 that?

5 A In the station house. 10:29:32AM

6 Q Where was Mr. Snyder? 10:29:33AM

7 A Behind the desk. 10:29:35AM

8 Q Who else was there? 10:29:37AM

9 A I don't know. 10:29:39AM

10 Q Was anybody else there? 10:29:41AM

11 A I don't know. 10:29:42AM

12 Q Did you report Mr. Snyder for making 10:29:43AM

13 that comment that Jew bastards, you have to

14 cater to them?

15 A Yeah. That might not have been the 10:29:49AM

16 direct words either.

17 Q So you don't recall the direct words? 10:29:52AM

18 MR. NOVIKOFF: Objection. 10:29:55AM

19 A It was about Jewish people not being 10:29:55AM

20 able to take care of themselves. They always

21 gotta be catered to.

22 Q But you don't recall the exact words 10:30:04AM

23 he used?

24 A No. 10:30:06AM

25 Q Did you report that to anyone? 10:30:06AM

Page 37

1 **RICHARD BOSETTI**

2 A No. 10:30:08AM

3 **Q Why not? 10:30:08AM**

4 A Because I didn't. 10:30:09AM

5 **Q How many times did you hear him say 10:30:10AM**

6 **that?**

7 A Couple. Few. 10:30:12AM

8 **Q How many? 10:30:13AM**

9 A I don't know. I can't put a number on 10:30:16AM

10 it.

11 **Q What year was the first time you heard 10:30:18AM**

12 **him say it?**

13 A Probably, probably 2003. 10:30:21AM

14 **Q What leads you to believe that it was 10:30:24AM**

15 **probably 2003?**

16 A Because I've known Snyder for all 10:30:27AM

17 those years, and I know that from the first year

18 he made those comments, but I can't put a direct

19 date on them.

20 **Q Did you tell anybody that he made that 10:30:37AM**

21 **comment?**

22 A No. 10:30:40AM

23 **Q Why not? 10:30:40AM**

24 A Cops hear comments. 10:30:43AM

25 **Q Have you ever reported any comment 10:30:46AM**

Page 38

1 **RICHARD BOSETTI**

2 **you've ever heard by a cop to a superior**

3 **officer?**

4 A No. 10:30:54AM

5 **Q So in your 26 years as a police 10:30:54AM**

6 **officer, you never reported a comment made by**

7 **another cop?**

8 A No. 10:31:02AM

9 MR. NOVIKOFF: Objection. 10:31:06AM

10 BY MR. GOODSTADT: 10:31:07AM

11 **Q How many other times, other than for 10:31:07AM**

12 **the incident in 2003 that you testified to, did**

13 **Mr. Snyder make antisemitic comments?**

14 MR. NOVIKOFF: Objection. 10:31:12AM

15 A About the senior cart. 10:31:13AM

16 **Q And what did he say about the senior 10:31:14AM**

17 **cart?**

18 A Something to the fact, I can't recall 10:31:17AM

19 the exact words, fucking lazy bastards, you

20 gotta cater to them.

21 **Q What made you believe that had 10:31:27AM**

22 **anything to do with their religion?**

23 A Because he used the words "Jews." 10:31:33AM

24 **Q But you just testified that he said 10:31:35AM**

25 **those lazy bastards, you have to cater to them.**

Page 39

1 **RICHARD BOSETTI**

2 MR. NOVIKOFF: Objection. 10:31:42AM

3 A Because we were talking about the Jews 10:31:43AM

4 at the time.

5 **Q What did you say in that conversation? 10:31:45AM**

6 A Smirked, laughed. 10:31:47AM

7 **Q So you laughed at his antisemitic 10:31:48AM**

8 **comment?**

9 A Smiled, yeah. 10:31:52AM

10 **Q You thought it was funny? 10:31:53AM**

11 A No. 10:31:54AM

12 **Q So why did you laugh at it? 10:31:55AM**

13 A Huh? 10:31:56AM

14 **Q Why did you laugh if you didn't think 10:31:57AM**

15 **it was funny?**

16 A It was just like if I were to get him 10:31:57AM

17 coffee and the coffee didn't taste right and he

18 said this coffee tastes like shit, I would smirk

19 and laugh, even though I wouldn't be proud of

20 it, you know. Just yeah, I'd smirk.

21 **Q So you just compared an antisemitic 10:32:10AM**

22 **statement to the taste of coffee.**

23 MR. NOVIKOFF: Objection. 10:32:16AM

24 BY MR. GOODSTADT: 10:32:16AM

25 **Q I want to know why you laughed at the 10:32:16AM**

Page 40

1 **RICHARD BOSETTI**

2 **antisemitic statement that he made.**

3 MR. NOVIKOFF: Objection. 10:32:21AM

4 A Because I laughed. 10:32:22AM

5 **Q And you testified that we were talking 10:32:22AM**

6 **about the Jews at the time. That's what led you**

7 **to believe that it was an antisemitic comment..**

8 A Yes. 10:32:30AM

9 **Q What did you say about Jews in that 10:32:31AM**

10 **conversation?**

11 A Nothing. 10:32:33AM

12 **Q What was the rest of that conversation 10:32:33AM**

13 **that led you to believe you were talking about**

14 **Jews at the time?**

15 A I don't recall. 10:32:40AM

16 MR. NOVIKOFF: I'm sorry, what was the 10:32:41AM

17 answer?

18 (Whereupon, the referred to portion 10:32:44AM

19 was read back by the court reporter.)

20 BY MR. GOODSTADT: 10:32:45AM

21 **Q Do you recall anything else that was 10:32:46AM**

22 **discussed in that conversation?**

23 A No. 10:32:47AM

24 **Q Did you tell anybody about that 10:32:48AM**

25 **conversation?**

Page 41	Page 43
<p>1 RICHARD BOSETTI</p> <p>2 A My wife, probably. 10:32:50AM</p> <p>3 Q Probably or you did? 10:32:52AM</p> <p>4 A Yeah, my wife. 10:32:53AM</p> <p>5 Q You told her that Tom Snyder made a 10:32:54AM</p> <p>6 comment that they're lazy bastards, you have to</p> <p>7 cater to them?</p> <p>8 MR. NOVIKOFF: Objection. Leading. 10:33:02AM</p> <p>9 He is your witness, right? 10:33:05AM</p> <p>10 MR. GOODSTADT: He's a third-party 10:33:07AM</p> <p>11 witness.</p> <p>12 MR. NOVIKOFF: Right. But you called 10:33:10AM</p> <p>13 him, right?</p> <p>14 MR. GOODSTADT: I subpoenaed him. 10:33:10AM</p> <p>15 I'll be more happy to -- I'll be more than</p> <p>16 happy to designate him.</p> <p>17 MR. NOVIKOFF: No, no. He doesn't 10:33:16AM</p> <p>18 work for us.</p> <p>19 BY MR. GOODSTADT: 10:33:31AM</p> <p>20 Q What was your wife's response? 10:33:31AM</p> <p>21 A She said it was terrible. 10:33:34AM</p> <p>22 Q Did he tell you you should report him? 10:33:35AM</p> <p>23 A No. She trusts my judgment. 10:33:38AM</p> <p>24 Q And you didn't report him for that 10:33:42AM</p> <p>25 second statement, did you?</p>	<p>1 RICHARD BOSETTI</p> <p>2 A That, I don't recall. 10:34:41AM</p> <p>3 Q Other than what you've testified to, 10:34:47AM</p> <p>4 is there anything else that leads you to believe</p> <p>5 that Joe Nofi was not a good police officer?</p> <p>6 MR. NOVIKOFF: Objection. 10:34:54AM</p> <p>7 A Just the facts that he didn't know how 10:34:56AM</p> <p>8 to talk to people.</p> <p>9 Q Any other -- anything else that leads 10:34:59AM</p> <p>10 you to that conclusion other than for him</p> <p>11 allegedly telling you that he told other people</p> <p>12 that he was going to take his belt off and go</p> <p>13 out back and fight?</p> <p>14 A No. Not anything I can think of. 10:35:15AM</p> <p>15 Q What leads you to believe that 10:35:19AM</p> <p>16 Mr. Lamm was not a good police officer?</p> <p>17 A Mr. Lamm was violent prone. 10:35:23AM</p> <p>18 MR. NOVIKOFF: Sorry, Mr. Lamm was 10:35:27AM</p> <p>19 what?</p> <p>20 THE WITNESS: Violent prone. 10:35:30AM</p> <p>21 BY MR. GOODSTADT: 10:35:31AM</p> <p>22 Q What do you mean by that? 10:35:31AM</p> <p>23 A I mean whenever we went out when I 10:35:32AM</p> <p>24 first started there now, especially, between</p> <p>25 2002 and 2003, he would always have an</p>
Page 42	Page 44
<p>1 RICHARD BOSETTI</p> <p>2 A No. 10:33:47AM</p> <p>3 Q You didn't tell Mayor Rogers, did you? 10:33:47AM</p> <p>4 A No, just my wife. 10:33:50AM</p> <p>5 Q You didn't tell Trustee Loeffler? 10:33:54AM</p> <p>6 A No. 10:33:56AM</p> <p>7 Q You didn't tell Chief Paradiso? 10:33:56AM</p> <p>8 A No. 10:33:59AM</p> <p>9 Q You didn't tell Officer Hesse? 10:34:00AM</p> <p>10 A No. 10:34:02AM</p> <p>11 Q Any other statements that Mr. Snyder 10:34:04AM</p> <p>12 made that lead you to believe that he's</p> <p>13 antisemitic?</p> <p>14 A Just those -- as far as I believe, 10:34:10AM</p> <p>15 it's just those statements.</p> <p>16 Q Those two? What year did the second 10:34:18AM</p> <p>17 statement that you testified to occur?</p> <p>18 A Between 2002 and 2007.. 10:34:22AM</p> <p>19 Q So you don't know which year? 10:34:24AM</p> <p>20 A No. 10:34:26AM</p> <p>21 Q And you don't recall anything else 10:34:26AM</p> <p>22 that was stated during that conversation?</p> <p>23 A No. 10:34:32AM</p> <p>24 Q What happened just prior to elicit a 10:34:33AM</p> <p>25 statement that Mr. Snyder allegedly made?</p>	<p>1 RICHARD BOSETTI</p> <p>2 altercation with somebody. Kevin Lamm was known</p> <p>3 for taking a brand-new vial of Mace out. We</p> <p>4 used to joke that he would take it out every</p> <p>5 month, I said what are you doing with all that</p> <p>6 Mace? Are you using it for your bloody Marys?</p> <p>7 Because it was pepper spray.</p> <p>8 Q Did you ever know Mr. Lamm to use 10:36:02AM</p> <p>9 Mace?</p> <p>10 A Yes. 10:36:06AM</p> <p>11 Q How many times? 10:36:06AM</p> <p>12 A I know once for sure. He squirted the 10:36:06AM</p> <p>13 wrong guy in the face.</p> <p>14 Q When was that? 10:36:10AM</p> <p>15 A I think that was the summer of 2002 or 10:36:11AM</p> <p>16 2003.</p> <p>17 Q Where was the incident? 10:36:19AM</p> <p>18 A The incident was right outside of 10:36:21AM</p> <p>19 Houser's bar on -- what is that, Bay- -- Main</p> <p>20 Street, Bayview.</p> <p>21 Q Were you on duty? 10:36:33AM</p> <p>22 A Yes. 10:36:34AM</p> <p>23 Q Were you at the scene? 10:36:35AM</p> <p>24 A Yes. 10:36:36AM</p> <p>25 Q What led him to use Mace? 10:36:38AM</p>

<p style="text-align: right;">Page 45</p> <p>1 RICHARD BOSETTI</p> <p>2 A He went to break up a fight, and then 10:36:40AM</p> <p>3 it turned it into that he was actually got into</p> <p>4 the fight.. He climbed on top of the guy, I</p> <p>5 climbed on top with him and, he just randomly</p> <p>6 started spraying Mace all around. And he</p> <p>7 sprayed Jimmy the bartender from -- not</p> <p>8 McGuire's, the bar at the end of the street --</p> <p>9 help me out here, Kevin.</p> <p>10 MR. FEHRINGER: If you don't know, 10:37:13AM</p> <p>11 just say.</p> <p>12 A I know the bar. I forget it. It's a 10:37:15AM</p> <p>13 family-run seafood place, the first one on the</p> <p>14 east end of town.</p> <p>15 Q Have you ever been in the bar that 10:37:22AM</p> <p>16 Jimmy the bartender bartends at?</p> <p>17 A Yes. 10:37:26AM</p> <p>18 Q How many times? 10:37:27AM</p> <p>19 A Many. 10:37:29AM</p> <p>20 Q Did you ever drink there? 10:37:29AM</p> <p>21 A Sure. 10:37:31AM</p> <p>22 Q Did you ever drink there while on 10:37:31AM</p> <p>23 duty?</p> <p>24 A No. 10:37:34AM</p> <p>25 Q Did you ever drink there right before 10:37:34AM</p>	<p style="text-align: right;">Page 47</p> <p>1 RICHARD BOSETTI</p> <p>2 A No. 10:38:14AM</p> <p>3 Q Any other incidents lead you to 10:38:16AM</p> <p>4 believe that Mr. Lamm has violent tendencies or</p> <p>5 was violence prone?</p> <p>6 A Yes, sir. 10:38:24AM</p> <p>7 Q What are those incidents? 10:38:26AM</p> <p>8 A One incident when I first met him, the 10:38:28AM</p> <p>9 very first day he was doing a 4 to 12 with me.</p> <p>10 The guys introduced me to Kevin Lamm. Kevin</p> <p>11 Lamm looks at my coca bola, which is a wooden</p> <p>12 night stick I took over from the city. Kevin</p> <p>13 Lamm just took that coca bola, and he says nice.</p> <p>14 He was known for doing "nice." And then he</p> <p>15 says, I hope you're gonna use that thing</p> <p>16 tonight. I said, Kevin, I'm not gonna use that</p> <p>17 thing unless I have to use that thing.</p> <p>18 Q What did he mean by I hope you have to 10:38:58AM</p> <p>19 use that thing?</p> <p>20 A The night stick. In other words, he 10:39:01AM</p> <p>21 hopes I'm going to take it out and put it to</p> <p>22 somebody's -- put it to use. He didn't say put</p> <p>23 it to somebody's head. Hope I'm going to use</p> <p>24 it.</p> <p>25 Q Did you report that statement to 10:39:09AM</p>
<p style="text-align: right;">Page 46</p> <p>1 RICHARD BOSETTI</p> <p>2 the shift?</p> <p>3 A Before the shift? 10:37:37AM</p> <p>4 Q Yes. 10:37:39AM</p> <p>5 MR. NOVIKOFF: Was it right before the 10:37:39AM</p> <p>6 shift or before the shift?</p> <p>7 MR. GOODSTADT: Either one. 10:37:41AM</p> <p>8 A I may have. I may have had a sandwich 10:37:41AM</p> <p>9 and a beer.</p> <p>10 Q Before going on duty? 10:37:44AM</p> <p>11 A Yeah. 10:37:46AM</p> <p>12 Q How long before going on duty? 10:37:46AM</p> <p>13 A Well, if I got there early, if I slept 10:37:48AM</p> <p>14 over, it might have been 12:00. I start my tour</p> <p>15 at three or four.</p> <p>16 Q A couple of hours before? 10:37:56AM</p> <p>17 A Yeah. 10:37:57AM</p> <p>18 Q And did anyone press any charges 10:38:01AM</p> <p>19 against Mr. Lamm in connection with that fight?</p> <p>20 A No. Just the guy said what a fucking 10:38:05AM</p> <p>21 idiot.</p> <p>22 Q What guy said that? 10:38:08AM</p> <p>23 A Jimmy. 10:38:09AM</p> <p>24 Q Mr. Lamm brought up on any kind of 10:38:11AM</p> <p>25 misconduct?</p>	<p style="text-align: right;">Page 48</p> <p>1 RICHARD BOSETTI</p> <p>2 anyone?</p> <p>3 A Everybody was there. 10:39:11AM</p> <p>4 Q Who was there? 10:39:13AM</p> <p>5 A I don't know for sure. 10:39:13AM</p> <p>6 Q Can you name a single other person 10:39:14AM</p> <p>7 that was there?</p> <p>8 A No, not that night, because I don't 10:39:16AM</p> <p>9 know who I was working with. But they</p> <p>10 introduced me to Kevin.</p> <p>11 Q You don't recall anyone else who may 10:39:22AM</p> <p>12 have been there that heard that statement?</p> <p>13 A No. 10:39:26AM</p> <p>14 Q What was your response other than I'll 10:39:27AM</p> <p>15 only take it out only if I need to?</p> <p>16 A That was my response. 10:39:32AM</p> <p>17 Q Anything else that leads you to 10:39:34AM</p> <p>18 believe Kevin Lamm was violent prone?</p> <p>19 A Yes. 10:39:37AM</p> <p>20 Q What else? 10:39:37AM</p> <p>21 A Kevin Lamm one time went into CJ's 10:39:38AM</p> <p>22 bar, and he -- first of all, he went into the</p> <p>23 kitchen, and he searched the kitchen for illegal</p> <p>24 drugs, without even telling anybody. Just went</p> <p>25 right into the kitchen, rattled pots and pans</p>

Page 49	Page 51
<p>1 RICHARD BOSETTI</p> <p>2 and looked around. With this, they said, what</p> <p>3 are you doing? The brothers wouldn't do</p> <p>4 something like that. What are you doing? From</p> <p>5 what the witnesses told me -- I didn't see</p> <p>6 this -- he took a temper tantrum, started</p> <p>7 hitting the stick on the floor and then saying</p> <p>8 Bosetti brothers aren't the boss here, I am.</p> <p>9 Q Who told you that? 10:40:22AM</p> <p>10 A People at the bar.. 10:40:23AM</p> <p>11 Q Which ones? 10:40:25AM</p> <p>12 A I don't recall. 10:40:26AM</p> <p>13 Q People at the bar, you don't recall 10:40:27AM</p> <p>14 who told you?</p> <p>15 A Because these are things that I never 10:40:29AM</p> <p>16 thought would come out seven years from now.</p> <p>17 That's why I don't recall.</p> <p>18 Q But you recall the statement -- 10:40:35AM</p> <p>19 A Believe me, if I had known this was 10:40:37AM</p> <p>20 happening today, I would've wrote everything</p> <p>21 down then.</p> <p>22 Q So I'm asking you, you recall the 10:40:42AM</p> <p>23 statement, but you don't recall who told you?</p> <p>24 A I could tell you a guy named Barry may 10:40:45AM</p> <p>25 have been the one. If he wasn't the one that</p>	<p>1 RICHARD BOSETTI</p> <p>2 A I think Chief Paradiso. 10:41:40AM</p> <p>3 Q Was a police report filed? 10:41:41AM</p> <p>4 A I don't know. I wasn't the boss at 10:41:44AM</p> <p>5 that time.</p> <p>6 Q Was a formal complaint filed? 10:41:46AM</p> <p>7 A I don't know, but he was spoken to. 10:41:48AM</p> <p>8 Q By whom? 10:41:49AM</p> <p>9 A I would think -- I would think either 10:41:50AM</p> <p>10 George or the chief.</p> <p>11 Q Were you there when he was spoken to? 10:41:54AM</p> <p>12 A No. 10:41:56AM</p> <p>13 Q How do you know he was spoken to? 10:41:56AM</p> <p>14 A Because word of mouth gets around, 10:41:58AM</p> <p>15 Kevin got into trouble; he did this, he did</p> <p>16 that.</p> <p>17 Q Who did you hear it from that he was 10:42:03AM</p> <p>18 spoken to?</p> <p>19 A I don't know. 10:42:06AM</p> <p>20 Q Any other instances that lead you to 10:42:07AM</p> <p>21 believe that Mr. Lamm has violent tendencies?</p> <p>22 A Jeez, I'm sure, if I sleep on it. Let 10:42:11AM</p> <p>23 me see, the Mace, the stick, the thing in the</p> <p>24 bar. There was that time, Kevin, didn't you</p> <p>25 drag a kid down the street and you were pounding</p>
Page 50	Page 52
<p>1 RICHARD BOSETTI</p> <p>2 seen the statement, he'll testify to the fact</p> <p>3 that Kevin was a nut job and he was constantly</p> <p>4 in there breaking Barry's chops.</p> <p>5 Q I'm not asking you what some other 10:41:02AM</p> <p>6 people may or may not testify to.</p> <p>7 A I though you asked me. 10:41:06AM</p> <p>8 MR. NOVIKOFF: I think you did. 10:41:08AM</p> <p>9 A Yeah, you actually did. 10:41:08AM</p> <p>10 Q I asked you who told you the statement 10:41:09AM</p> <p>11 that Kevin Lamm was beating the stick against</p> <p>12 the ground and saying the Bosetti's aren't boss</p> <p>13 here, I am?</p> <p>14 A Probably the proprietor that was 10:41:19AM</p> <p>15 working or the bartender that was working in the</p> <p>16 bar that specific night. I could give you three</p> <p>17 names. I don't know which one.</p> <p>18 Q So you're just speculating as to which 10:41:28AM</p> <p>19 one, right?</p> <p>20 MR. NOVIKOFF: Objection. 10:41:31AM</p> <p>21 A I don't know for sure. I don't know 10:41:31AM</p> <p>22 for sure. I know it did happen.</p> <p>23 Q Did anyone report Mr. Lamm's conduct? 10:41:35AM</p> <p>24 A Yes. 10:41:37AM</p> <p>25 Q To whom was it reported to? 10:41:38AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 the shit out of him?</p> <p>3 MR. NOVIKOFF: I'm sorry, what was 10:42:46AM</p> <p>4 that answer? Request you read that back.</p> <p>5 (Whereupon, the requested portion was 10:42:49AM</p> <p>6 read back by the court reporter.)</p> <p>7 A Yeah. I didn't see that, now, okay? 10:43:01AM</p> <p>8 But this is another one. But I'll tell you</p> <p>9 what, I took my lie detector test only a few</p> <p>10 years ago. Why don't these guys take the lie</p> <p>11 detector test? Let's see if everything I'm</p> <p>12 saying is true.</p> <p>13 MR. FEHRINGER: Rich, just answer the 10:43:19AM</p> <p>14 questions.</p> <p>15 BY MR. GOODSTADT: 10:43:22AM</p> <p>16 Q Sir, I hope it's true, because you're 10:43:22AM</p> <p>17 testifying under oath.</p> <p>18 A Yeah. 10:43:22AM</p> <p>19 Q And, fortunately for me, you're not 10:43:22AM</p> <p>20 the one asking the questions today, I am.</p> <p>21 A Okay. 10:43:27AM</p> <p>22 Q When did Mr. Lamm allegedly drag a kid 10:43:27AM</p> <p>23 down the street and beat the shit out of him?</p> <p>24 A It was between 2002 -- and I know it 10:43:33AM</p> <p>25 wasn't the last year that I worked. I know it</p>

Page 53	Page 55
<p>1 RICHARD BOSETTI</p> <p>2 wasn't the year before that, so I would say -- I</p> <p>3 would say a good hunch between 2002 and 2005.</p> <p>4 Q How did you learn about that? 10:43:48AM</p> <p>5 A Huh? 10:43:50AM</p> <p>6 Q How did you learn about that alleged 10:43:50AM</p> <p>7 incident?</p> <p>8 A People told me. 10:43:53AM</p> <p>9 Q Who? 10:43:54AM</p> <p>10 A I don't know. 10:43:55AM</p> <p>11 Q You don't recall who told you? 10:43:57AM</p> <p>12 A No, I don't recall who told me. 10:43:59AM</p> <p>13 Q Who did you speak to about that 10:44:01AM</p> <p>14 incident?</p> <p>15 A It might have been other cops. 10:44:07AM</p> <p>16 Q Which ones? 10:44:09AM</p> <p>17 A I don't know. 10:44:10AM</p> <p>18 Q When did you speak to them? 10:44:10AM</p> <p>19 A You could ask Kevin. 10:44:12AM</p> <p>20 Q Again, sir, I'm asking you. 10:44:13AM</p> <p>21 A I don't know. I can't recall the face 10:44:16AM</p> <p>22 of who.</p> <p>23 Q Was there a police report filed 10:44:19AM</p> <p>24 against Kevin for that incident?</p> <p>25 A I guess there should've been, but -- 10:44:23AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 to summonses. He'd tag little girls riding</p> <p>3 bikes. He'd tag men with their children. He'd</p> <p>4 tag people riding bikes through a puddle because</p> <p>5 they didn't want to get wet.</p> <p>6 Q Sir, was there a rule against riding 10:45:16AM</p> <p>7 your bike?</p> <p>8 A Yes, there's a rule against riding a 10:45:19AM</p> <p>9 bike.</p> <p>10 Q So he was enforcing the rules, right? 10:45:20AM</p> <p>11 A Discretion. Police work is 10:45:23AM</p> <p>12 discretion, no matter how you look at it. You</p> <p>13 don't give a ticket to somebody going through a</p> <p>14 puddle and it's 5:00 in the morning and he wants</p> <p>15 to get home and he answers you nicely and you</p> <p>16 respond by giving him a summons. You do not</p> <p>17 have to give a summons out. The police work is</p> <p>18 discretion.</p> <p>19 Q Were you ever told not to give 10:45:40AM</p> <p>20 summonses to certain people?</p> <p>21 A Was I ever told not to give -- 10:45:44AM</p> <p>22 Q Yes. 10:45:45AM</p> <p>23 A Never. 10:45:46AM</p> <p>24 Q So the summonses that Mr. Lamm gave 10:45:48AM</p> <p>25 out that you testified showed a lack of</p>
Page 54	Page 56
<p>1 RICHARD BOSETTI</p> <p>2 Q Sir, that wasn't the question. The 10:44:26AM</p> <p>3 question was: Was there a police report filed</p> <p>4 against Mr. Lamm?</p> <p>5 A No, not that I know of. 10:44:31AM</p> <p>6 Q Was Mr. Lamm brought up on any 10:44:32AM</p> <p>7 official misconduct?</p> <p>8 A No. 10:44:35AM</p> <p>9 Q Had was Mr. Lamm terminated for that 10:44:36AM</p> <p>10 incident?</p> <p>11 A No. 10:44:39AM</p> <p>12 Q Was Mr. Lamm terminated for any 10:44:39AM</p> <p>13 incident that you testified to?</p> <p>14 MR. NOVIKOFF: Objection. 10:44:44AM</p> <p>15 A No. 10:44:44AM</p> <p>16 Q No? 10:44:45AM</p> <p>17 A Oh, wait a minute. Was he terminated 10:44:45AM</p> <p>18 for any -- that we objected to just now? No, he</p> <p>19 was terminated in general at the end.</p> <p>20 MR. NOVIKOFF: Motion to strike. 10:44:51AM</p> <p>21 BY MR. GOODSTADT: 10:44:54AM</p> <p>22 Q Is there anything else that Mr. Lamm 10:44:56AM</p> <p>23 did that led you to the belief that he was not a</p> <p>24 good police officer?</p> <p>25 A No discretion whatsoever when it came 10:45:02AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 discretion, those were for violations of the</p> <p>3 town ordinances, correct?</p> <p>4 A Yeah. From what I understand, a lot 10:45:59AM</p> <p>5 of them got knocked too, just by a judge shaking</p> <p>6 his head.</p> <p>7 Q But that wasn't the question, sir. 10:46:03AM</p> <p>8 The question was --</p> <p>9 MR. NOVIKOFF: Let him answer the 10:46:06AM</p> <p>10 question. You can move to strike, Andrew.</p> <p>11 MR. GOODSTADT: I don't want to move 10:46:07AM</p> <p>12 to strike. It will never see the light of</p> <p>13 day anyway.</p> <p>14 MR. NOVIKOFF: Why are we going to be 10:46:12AM</p> <p>15 here for the next 14 hours?</p> <p>16 BY MR. GOODSTADT: 10:46:15AM</p> <p>17 Q The question I asked was: Were any of 10:46:15AM</p> <p>18 those summons that Mr. Lamm showed a lack of</p> <p>19 discretion in writing, were any of them not for</p> <p>20 violations of the town ordinances?</p> <p>21 MR. NOVIKOFF: Objection. 10:46:26AM</p> <p>22 A No, they were for violations of the 10:46:26AM</p> <p>23 town ordinances, sure.</p> <p>24 Q He was just enforcing the law, right? 10:46:30AM</p> <p>25 A Enforcing the law? Come on. It's up 10:46:32AM</p>

<p style="text-align: right;">Page 57</p> <p>1 RICHARD BOSETTI</p> <p>2 to the cop. You don't have to enforce those</p> <p>3 laws. It's up to the discretion of the police</p> <p>4 officer and the reason why that person broke the</p> <p>5 law. You don't have to all the time, there's</p> <p>6 yes, there there's no, there's no in between.</p> <p>7 That's what makes a good police officer, the in</p> <p>8 between part.</p> <p>9 Q So what makes a good police officer is 10:46:52AM</p> <p>10 knowing when to enforce the law and knowing when</p> <p>11 not to?</p> <p>12 A Exactly. Violations, not breaking, 10:46:56AM</p> <p>13 not felonies. Violations we're talking here.</p> <p>14 Q Anything else that Mr. Lamm did that 10:47:10AM</p> <p>15 leads you to the conclusion he's not a good</p> <p>16 police officer?</p> <p>17 A Nah, I guess we can move along. 10:47:15AM</p> <p>18 Q What leads you to the belief that 10:47:28AM</p> <p>19 Mr. Fiorillo is not a good police officer?</p> <p>20 A Fiorillo? 10:47:34AM</p> <p>21 Q I believe you testified that Nofi, 10:47:35AM</p> <p>22 Lamm and Fiorillo were not good police officers;</p> <p>23 they should've been terminated a long time</p> <p>24 before.</p> <p>25 A Yeah. Fiorillo became a police 10:47:44AM</p>	<p style="text-align: right;">Page 59</p> <p>1 RICHARD BOSETTI</p> <p>2 he's not a good police officer other than for</p> <p>3 you having to allegedly jump in between him and</p> <p>4 somebody else to prevent the fight?</p> <p>5 A Yes. 10:48:47AM</p> <p>6 Q What else? 10:48:47AM</p> <p>7 A Summonses, the same thing. Summonses 10:48:48AM</p> <p>8 like crazy. He was asked to slow down, stop</p> <p>9 with the bogus summonses, use his head giving</p> <p>10 out summonses.</p> <p>11 I think Frank, you were also told, or 10:49:05AM</p> <p>12 you, Kevin, do not -- do not handcuff the</p> <p>13 people. Do not handcuff the people when you're</p> <p>14 giving them a summons. I think that goes back</p> <p>15 to a little bit of the violent prone. I don't</p> <p>16 know. I never got handcuffed for drinking a</p> <p>17 beer on the street or anything like that.</p> <p>18 Q Who asked Frank Fiorillo to slow down 10:49:27AM</p> <p>19 on the summonses?</p> <p>20 A George Hesse. 10:49:32AM</p> <p>21 Q How many times? 10:49:33AM</p> <p>22 A I think it was more than once. 10:49:34AM</p> <p>23 Q When was he asked that? 10:49:36AM</p> <p>24 A Huh? 10:49:38AM</p> <p>25 Q When was he asked to do that? 10:49:38AM</p>
<p style="text-align: right;">Page 58</p> <p>1 RICHARD BOSETTI</p> <p>2 officer, this is my feeling, because he always</p> <p>3 wanted to play cops and robbers. He was -- what</p> <p>4 do you call? He was on the auxiliaries for the</p> <p>5 longest time, and then finally he got to be a</p> <p>6 real cop in Ocean Beach. All right?</p> <p>7 He's another one that I had to jump in 10:48:01AM</p> <p>8 between -- and I can't remember the time. I</p> <p>9 can't remember the exact day. But like the guy</p> <p>10 wanted to kick his butt, and I had to jump in</p> <p>11 between and then calm everything down. And then</p> <p>12 later on I'd say, Frank, you can't go at it like</p> <p>13 this. All right? You gotta use your head</p> <p>14 sometimes talking to people.</p> <p>15 Q And that's what led you to believe 10:48:22AM</p> <p>16 he's not a good police officer?</p> <p>17 A Yeah. 10:48:23AM</p> <p>18 MR. NOVIKOFF: Objection. 10:48:24AM</p> <p>19 A If you talk to anybody in Fire Island 10:48:25AM</p> <p>20 over these three guys?</p> <p>21 Q Sir, today I'm talking to you. 10:48:29AM</p> <p>22 A Okay. Talk to the people that live 10:48:30AM</p> <p>23 there.</p> <p>24 Q Is there anything else that 10:48:33AM</p> <p>25 Mr. Fiorillo did that led you to believe that</p>	<p style="text-align: right;">Page 60</p> <p>1 RICHARD BOSETTI</p> <p>2 A I think it was the last -- one of the 10:49:41AM</p> <p>3 last two years that I was there.</p> <p>4 And by the way, he wasn't asked to 10:49:45AM</p> <p>5 slow down with the bogus summonses. I think he</p> <p>6 more was -- it was more like stop with the</p> <p>7 bullshit summonses.</p> <p>8 Q When you say stop with the bullshit 10:49:55AM</p> <p>9 summonses, was he writing summonses for things</p> <p>10 that were not violations of law?</p> <p>11 A Yeah, uh-huh. 10:50:02AM</p> <p>12 Q Like what? 10:50:03AM</p> <p>13 A Not -- no, no, no. But like I said, 10:50:03AM</p> <p>14 he enforced that village code like it was, you</p> <p>15 know, no in between. Sometimes you gotta</p> <p>16 give -- you want me to give you an example?</p> <p>17 Q Sure. Why don't you give me an 10:50:18AM</p> <p>18 example.</p> <p>19 A Okay. The bathrooms closed -- the 10:50:20AM</p> <p>20 village bathrooms close at 10:00 at night.</p> <p>21 There's kids on the street. They can't go into</p> <p>22 the bars to pee, and they're waiting for the</p> <p>23 last ferry home. Sometimes you just can't hold</p> <p>24 it. So they'll go behind a bush, behind</p> <p>25 somewhere and relieve themselves, because all</p>

Page 61

1 RICHARD BOSETTI
2 the bathrooms are closed and they can't get into
3 the licensed premises. I'm sure now when you
4 were growing up, you've done that. Sometimes
5 you just gotta take the discretion that what
6 could you do? Where could they go?
7 **Q So is it your testimony, sir, that 10:50:53AM**
8 **Mr. Fiorillo is a bad police officer because he**
9 **enforced the laws too stringently?**
10 MR. NOVIKOFF: Objection. 10:51:01AM
11 A No discretion. That's what I'm 10:51:01AM
12 saying.
13 **Q But what he was doing or the summonses 10:51:03AM**
14 **he was writing were for violations of the**
15 **village law, right?**
16 MR. NOVIKOFF: Objection. Leading. 10:51:14AM
17 Argumentative.
18 A Sure. 10:51:16AM
19 **Q So urinating in public, that's a 10:51:16AM**
20 **violation of village law, correct?**
21 A Yeah. You know what's a violation of 10:51:19AM
22 village law? Eating an orange on the beach..
23 **Q Right. And you can write a summons 10:51:22AM**
24 **for that, correct?**
25 A Yeah, sure you can. 10:51:25AM

Page 62

1 RICHARD BOSETTI
2 **Q Well, why have the law if it's not 10:51:25AM**
3 **going to be enforced?**
4 MR. NOVIKOFF: Objection. 10:51:34AM
5 A You do not have to enforce it, though. 10:51:35AM
6 You have discretion. You do not have to enforce
7 a violation. It's up to your discretion.
8 **Q Where does it say that it's up to your 10:51:39AM**
9 **discretion whether or not you want to enforce a**
10 **law?**
11 A It's up to your discretion in any 10:51:44AM
12 police academy for violation.
13 **Q Is there any handbook that you can 10:51:51AM**
14 **point to that says it's up to a police officer's**
15 **discretion whether or not to write a summons for**
16 **violation of a law?**
17 A No, you'll have to find that yourself. 10:52:04AM
18 That's the way I was taught in the New York City
19 Police Academy.
20 **Q Anything else that leads you to 10:52:10AM**
21 **believe that Mr. Fiorillo is not a good police**
22 **officer other than what you've testified to so**
23 **far?**
24 A His manner in which he spoke to 10:52:17AM
25 people. No -- what was that time that guy fell

Page 63

1 RICHARD BOSETTI
2 down on his face, and you refused to put him
3 home? Remember he was bombed out of his mind.
4 We had to put the bicycle in the truck and take
5 him home. He was part of the -- he lived right
6 down on -- right down the block from the police
7 station. I'm pretty sure it was you, Frank.
8 Fuck him. Is that what you said? Anyway, I put
9 him in the car and I took him home down the
10 block. Stuff like that.
11 **Q When was that? 10:52:50AM**
12 A You know, things like that. 10:52:51AM
13 **Q When was that night? 10:52:53AM**
14 A It was a night between 2002 and 2007, 10:52:56AM
15 and that happened on the corner by the police
16 station right outside of CJ's bar..
17 **Q And you're sure it was Mr. Fiorillo? 10:53:08AM**
18 A I could bank if it wasn't -- yeah, I'm 10:53:11AM
19 going to say 90 percent.
20 **Q Ninety percent it was Fiorillo? 10:53:15AM**
21 A Yeah. 10:53:17AM
22 **Q Who was the other 10 percent it could 10:53:17AM**
23 **be?**
24 MR. NOVIKOFF: Objection. 10:53:21AM
25 A I don't know. It was definitely him. 10:53:21AM

Page 64

1 RICHARD BOSETTI
2 It was him.
3 **Q It was definitely him or it was 90 10:53:23AM**
4 **percent him?**
5 A It was 90 percent him. 10:53:25AM
6 MR. NOVIKOFF: Objection. 10:53:26AM
7 A Put it this way. I'd bet all my money 10:53:26AM
8 on it, and I'm not a betting man.
9 **Q Did you report Mr. Fiorillo for 10:53:31AM**
10 **treating people --**
11 A No, but I talked to my brother -- 10:53:37AM
12 **Q -- in an inappropriate manner? 10:53:37AM**
13 A I talked to other cops who said what a 10:53:40AM
14 scumbag move that is.
15 **Q Did you report it to Mr. Hesse? 10:53:45AM**
16 A I might have. 10:53:47AM
17 **Q You don't recall? 10:53:47AM**
18 A I don't recall. 10:53:48AM
19 **Q Did you report it to Chief Paradiso? 10:53:50AM**
20 A No. I probably, if anything -- if 10:53:52AM
21 anything, it was probably Mr. Hesse.
22 **Q Sir, have you ever been convicted of a 10:54:07AM**
23 **crime?**
24 A No. 10:54:14AM
25 **Q Have you ever been arrested? 10:54:15AM**

<p style="text-align: right;">Page 65</p> <p>1 RICHARD BOSETTI</p> <p>2 A No. 10:54:17AM</p> <p>3 Q I believe you testified that you went 10:54:24AM</p> <p>4 to the New York City Police Academy; is that</p> <p>5 correct?</p> <p>6 A Yes. 10:54:29AM</p> <p>7 Q When did you attend the police 10:54:29AM</p> <p>8 academy?</p> <p>9 A 1982. 10:54:31AM</p> <p>10 Q Did you receive your certificate from 10:54:34AM</p> <p>11 the police academy?</p> <p>12 A Yes. 10:54:38AM</p> <p>13 Q How many other people graduated in 10:54:43AM</p> <p>14 your class?</p> <p>15 A I'm going to guess it was 10:54:46AM</p> <p>16 approximately -- I can't guess at that. I know</p> <p>17 it was a big class, maybe 3,000 or more.</p> <p>18 Q And other than for the certificate 10:54:58AM</p> <p>19 from the police academy, do you have any other</p> <p>20 certifications or degrees subsequent to high</p> <p>21 school?</p> <p>22 A Yes. I was a trained EMT. I went to 10:55:07AM</p> <p>23 the emergency service school, SWAT team.</p> <p>24 Dignitary protection. Oh Jeez, I know there's a</p> <p>25 few others. Emotionally disturbed --</p>	<p style="text-align: right;">Page 67</p> <p>1 RICHARD BOSETTI</p> <p>2 three officers wrote up of -- did a fine job of</p> <p>3 writing up a report alleging me of a couple of</p> <p>4 things, yeah.</p> <p>5 Q What do you mean by that? What did 10:56:46AM</p> <p>6 they allege that you did?</p> <p>7 A Oh, Jeez, what was it? The Halloween 10:56:51AM</p> <p>8 incident, there was an argument in a bar.</p> <p>9 Q Anything else? 10:56:57AM</p> <p>10 A We had to take police action. 10:56:59AM</p> <p>11 Q Anything -- we'll get to the Halloween 10:57:01AM</p> <p>12 incident in great detail.</p> <p>13 A No, that's it then. That's it. 10:57:06AM</p> <p>14 Q So Halloween? 10:57:07AM</p> <p>15 A Yeah. 10:57:07AM</p> <p>16 Q What was this argument that you had 10:57:07AM</p> <p>17 with, I believe you said with Chief Hesse; is</p> <p>18 that correct?</p> <p>19 A Yes. 10:57:10AM</p> <p>20 Q So he was the chief at the time? 10:57:10AM</p> <p>21 A Yes. 10:57:12AM</p> <p>22 Q When in '07 did you have the argument 10:57:12AM</p> <p>23 with Chief Hesse?</p> <p>24 A That was, I think, in July of '07. 10:57:16AM</p> <p>25 Q Do you know whether Mr. Hesse ever 10:57:22AM</p>
<p style="text-align: right;">Page 66</p> <p>1 RICHARD BOSETTI</p> <p>2 emotionally disturbed people. That's how I know</p> <p>3 Frank. That's it.</p> <p>4 Q Can you just explain that last thing 10:55:40AM</p> <p>5 you just said?</p> <p>6 A I went to EDP school. 10:55:43AM</p> <p>7 Q Right. 10:55:45AM</p> <p>8 A Emotionally disturbed people. 10:55:46AM</p> <p>9 Q What do you mean that's how you know 10:55:48AM</p> <p>10 Frank?</p> <p>11 A That's how come I notice some 10:55:50AM</p> <p>12 disturbance in there.</p> <p>13 Q Have you ever had any complaints of 10:56:00AM</p> <p>14 police misconduct brought against you or</p> <p>15 allegations?</p> <p>16 A Brought against me? 10:56:08AM</p> <p>17 Q Yes, or allegations of misconduct? 10:56:09AM</p> <p>18 A Well, there was an allegation from 10:56:11AM</p> <p>19 those three officers, yeah. But never any from</p> <p>20 the village. Never any from -- oh, wait a</p> <p>21 minute. Wait a minute. I had an argument with</p> <p>22 George. So this was in the summer of 2007, I</p> <p>23 had an argument with George. That was Chief</p> <p>24 Hesse.</p> <p>25 But as for any allegations that these 10:56:32AM</p>	<p style="text-align: right;">Page 68</p> <p>1 RICHARD BOSETTI</p> <p>2 passed a civil service test to become chief?</p> <p>3 MR. CONNOLLY: Objection. 10:57:30AM</p> <p>4 A That, I don't know. 10:57:31AM</p> <p>5 Q Do you know if he ever passed a civil 10:57:32AM</p> <p>6 service test to become sergeant?</p> <p>7 MR. NOVIKOFF: Objection. 10:57:39AM</p> <p>8 A I know -- I gotta take that back. I 10:57:40AM</p> <p>9 know he took the test for chief. I'm not sure</p> <p>10 if he passed that or not. But Frank told me</p> <p>11 that he never passed the test for sergeant.</p> <p>12 Q When did Frank tell you that? 10:57:52AM</p> <p>13 A He never passed the test for sergeant. 10:57:54AM</p> <p>14 Q When did he tell you that? 10:57:56AM</p> <p>15 A Between 2002 and 2007. 10:57:58AM</p> <p>16 Q Did you ever speak to Hesse about 10:57:59AM</p> <p>17 whether he passed any of these tests?</p> <p>18 A No. 10:58:03AM</p> <p>19 Q Did you ever hear from anyone other 10:58:03AM</p> <p>20 than from Frank that Chief Hesse didn't pass the</p> <p>21 sergeant's test?</p> <p>22 A No. 10:58:10AM</p> <p>23 Q Did you ever ask Chief Hesse if he 10:58:10AM</p> <p>24 passed the chief test?</p> <p>25 A No. 10:58:14AM</p>

<p style="text-align: right;">Page 69</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Do you know if it's possible to become 10:58:15AM</p> <p>3 chief without passing the sergeant test first?</p> <p>4 MR. NOVIKOFF: Objection. 10:58:21AM</p> <p>5 A I don't know. I don't know how they 10:58:21AM</p> <p>6 work it.</p> <p>7 Q What was the argument with Mr. Hesse 10:58:24AM</p> <p>8 about in July 2007?</p> <p>9 A Oh, it was just more like friend to 10:58:27AM</p> <p>10 friend. We started yelling at each other in the</p> <p>11 street.</p> <p>12 Q Over what? 10:58:33AM</p> <p>13 A It was a fire incident. I was eating 10:58:33AM</p> <p>14 breakfast. He said, get out here, the guys want</p> <p>15 to be relieved. I went out there. The guys</p> <p>16 didn't get relieved for half an hour, sitting</p> <p>17 around talking. So I went up to Chief Hesse,</p> <p>18 and I said are they kidding me or what? I said,</p> <p>19 you made me miss my breakfast, meanwhile you're</p> <p>20 keeping the guys here talking anyway? Like one</p> <p>21 of those things. Oh, screw you, oh screw you.</p> <p>22 Q The guys were in uniform at the time? 10:58:58AM</p> <p>23 A Yeah. 10:58:59AM</p> <p>24 Q And on the streets of Ocean Beach? 10:59:00AM</p> <p>25 A Yes. 10:59:02AM</p>	<p style="text-align: right;">Page 71</p> <p>1 RICHARD BOSETTI</p> <p>2 A Many. 10:59:47AM</p> <p>3 Q By who? 10:59:47AM</p> <p>4 A Chief Paradiso and Sergeant Hesse. 10:59:48AM</p> <p>5 Q How many times did Chief Paradiso tell 10:59:51AM</p> <p>6 you you were doing a great job?</p> <p>7 A Many times. 10:59:55AM</p> <p>8 Q What years? 10:59:56AM</p> <p>9 A From 2002 to whenever he left. 10:59:56AM</p> <p>10 Q When did he leave? 10:59:59AM</p> <p>11 A I don't know. 11:00:01AM</p> <p>12 Q Did Chief Paradiso ever reprimand you? 11:00:04AM</p> <p>13 MR. NOVIKOFF: Objection. 11:00:08AM</p> <p>14 A Yeah.. 11:00:10AM</p> <p>15 Q How many times? 11:00:10AM</p> <p>16 A I don't recall. I think it was once. 11:00:17AM</p> <p>17 Q What were you reprimanded for? 11:00:19AM</p> <p>18 A Throwing a filing cabinet into the 11:00:21AM</p> <p>19 bay.</p> <p>20 Q Did you throw a filing cabinet into 11:00:23AM</p> <p>21 the bay?</p> <p>22 A Yeah, sure I did. 11:00:26AM</p> <p>23 Q We'll get to that a little bit later 11:00:27AM</p> <p>24 too.</p> <p>25 Other than for that incident, did 11:00:32AM</p>
<p style="text-align: right;">Page 70</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Did you get written up at all for that 10:59:02AM</p> <p>3 incident?</p> <p>4 A I think he put it on paper. 10:59:06AM</p> <p>5 Q What do you mean, you think he put it 10:59:09AM</p> <p>6 on paper?</p> <p>7 A I think he put it on paper, my 10:59:12AM</p> <p>8 evaluation maybe.</p> <p>9 Q Did you ever see an evaluation where 10:59:14AM</p> <p>10 it said that?</p> <p>11 A I saw an evaluation when I went 10:59:16AM</p> <p>12 through the unemployment process.</p> <p>13 Q Had you received any evaluations while 10:59:26AM</p> <p>14 you were employed at Ocean Beach?</p> <p>15 MR. NOVIKOFF: Objection. 10:59:30AM</p> <p>16 Written or verbal? 10:59:31AM</p> <p>17 MR. GOODSTADT: Written evaluation. 10:59:33AM</p> <p>18 A No. 10:59:33AM</p> <p>19 Q Did you receive any verbal evaluations 10:59:34AM</p> <p>20 while you were employed at Ocean Beach?</p> <p>21 A Yes. 10:59:37AM</p> <p>22 Q Any formal verbal evaluations? 10:59:38AM</p> <p>23 A Like you're doing a great job. 10:59:40AM</p> <p>24 Q How many times were you told you're 10:59:42AM</p> <p>25 doing a great job?</p>	<p style="text-align: right;">Page 72</p> <p>1 RICHARD BOSETTI</p> <p>2 Chief Paradiso discipline you on any other</p> <p>3 occasion?</p> <p>4 A Well, it was a bogus discipline, 11:00:45AM</p> <p>5 because then he realized like that he was</p> <p>6 possibly wrong, and that was the Halloween</p> <p>7 incident.</p> <p>8 Q So you were disciplined for the 11:00:53AM</p> <p>9 Halloween incident?</p> <p>10 A No, I wasn't. 11:00:56AM</p> <p>11 MR. NOVIKOFF: I think your question 11:00:58AM</p> <p>12 was reprimand, not disciplined.</p> <p>13 BY MR. GOODSTADT: 11:01:01AM</p> <p>14 Q Were you ever reprimanded -- 11:01:01AM</p> <p>15 A No. 11:01:03AM</p> <p>16 Q Did he reprimand you for the Halloween 11:01:03AM</p> <p>17 incident?</p> <p>18 A Spoke to me about it, more spoke to my 11:01:06AM</p> <p>19 brother.</p> <p>20 Q Were you ever disciplined for drinking 11:01:13AM</p> <p>21 in the bars on Ocean Beach?</p> <p>22 MR. NOVIKOFF: Objection. 11:01:19AM</p> <p>23 A No. 11:01:19AM</p> <p>24 Q You never received, either verbal or 11:01:20AM</p> <p>25 writing, a written discipline for drinking at</p>

Page 73	Page 75
<p>1 RICHARD BOSETTI</p> <p>2 the bars on Ocean Beach?</p> <p>3 A No. 11:01:25AM</p> <p>4 MR. NOVIKOFF: Objection. No 11:01:26AM</p> <p>5 foundation.</p> <p>6 BY MR. GOODSTADT: 11:01:28AM</p> <p>7 Q Any grievances ever filed against 11:01:31AM</p> <p>8 you --</p> <p>9 MR. NOVIKOFF: Objection. 11:01:34AM</p> <p>10 BY MR. GOODSTADT: 11:01:34AM</p> <p>11 Q -- while you were an Ocean Beach 11:01:34AM</p> <p>12 police officer?</p> <p>13 A By? 11:01:37AM</p> <p>14 Q By any residents, visitors, 11:01:38AM</p> <p>15 co-officers.</p> <p>16 MR. NOVIKOFF: Do you mean complaints 11:01:43AM</p> <p>17 or do you mean like a formal grievance?</p> <p>18 MR. GOODSTADT: Either, grievance or 11:01:47AM</p> <p>19 complaint.. I'm trying to be as broad as</p> <p>20 possible. Grievance, I think, covers it.</p> <p>21 A If there is, I don't know about it. 11:01:51AM</p> <p>22 Q What have you done to prepare for 11:01:58AM</p> <p>23 today's deposition?</p> <p>24 A I didn't really have to do anything. 11:02:04AM</p> <p>25 Maybe refresh my memory.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Anyone else? 11:03:10AM</p> <p>3 A No. 11:03:11AM</p> <p>4 Q Where did you read those statements? 11:03:12AM</p> <p>5 A Where? 11:03:17AM</p> <p>6 Q Yeah, where were you when you read 11:03:18AM</p> <p>7 them?</p> <p>8 A In the house. 11:03:21AM</p> <p>9 Q Do you have copies of those statements 11:03:22AM</p> <p>10 at your house?</p> <p>11 A Excuse me? 11:03:24AM</p> <p>12 Q Do you have copies of those statements 11:03:25AM</p> <p>13 at your house?</p> <p>14 A Yes. 11:03:27AM</p> <p>15 Q How did you get copies of those 11:03:28AM</p> <p>16 statements at your house?</p> <p>17 A Oh, I have no idea. Probably when I 11:03:31AM</p> <p>18 made them, I ran a copy through.</p> <p>19 Q What do you mean, when you made them? 11:03:35AM</p> <p>20 A When I made my statement. 11:03:36AM</p> <p>21 Q I understand your statement. But you 11:03:38AM</p> <p>22 testified to one, two, three, four, five --</p> <p>23 eight statements, other than your own, that you</p> <p>24 reviewed.</p> <p>25 A Yeah. 11:03:45AM</p>
Page 74	Page 76
<p>1 RICHARD BOSETTI</p> <p>2 Q What did you do to refresh your 11:02:07AM</p> <p>3 memory?</p> <p>4 A Read witness statements. 11:02:09AM</p> <p>5 Q What witness statements did you read? 11:02:11AM</p> <p>6 A From the Halloween incident. 11:02:14AM</p> <p>7 Q Which statements? 11:02:16AM</p> <p>8 A Mine mainly. 11:02:20AM</p> <p>9 Q Anyone else's? 11:02:22AM</p> <p>10 A No, not recently. Not recently. But 11:02:23AM</p> <p>11 the last time we were supposed to come here and</p> <p>12 it was canceled was a month ago.</p> <p>13 Q Right. 11:02:34AM</p> <p>14 A That was the last time I read them. 11:02:34AM</p> <p>15 This morning, I read my statement real fast.</p> <p>16 Q And the last time that you were 11:02:39AM</p> <p>17 supposed to come here, whose statements did you</p> <p>18 read?</p> <p>19 A Whoever made statements. 11:02:43AM</p> <p>20 Q Do you recall any of the names? 11:02:45AM</p> <p>21 A Ann Levine, O'Rourke, Mrs. Yager, 11:02:48AM</p> <p>22 Elyse, Wykoff, their statements (indicating).</p> <p>23 Q When you say "their statements"? 11:03:05AM</p> <p>24 A The three officers involved that 11:03:07AM</p> <p>25 night.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q How did you get copies of those 11:03:45AM</p> <p>3 statements?</p> <p>4 A When I went to visit my lawyer, I had 11:03:48AM</p> <p>5 copies made to give to my lawyer.</p> <p>6 Q How did you have copies made? Where 11:03:55AM</p> <p>7 did you have copies made from?</p> <p>8 A I have no idea. I don't remember 11:03:59AM</p> <p>9 where I got the copies from, but I had them</p> <p>10 made.</p> <p>11 Q Do you have copies of those statements 11:04:04AM</p> <p>12 at your house?</p> <p>13 A Yes. 11:04:06AM</p> <p>14 Q These eight other people's statements? 11:04:06AM</p> <p>15 A Yes. 11:04:09AM</p> <p>16 Q When did you get those statements? 11:04:09AM</p> <p>17 A I don't know for sure. Probably when 11:04:17AM</p> <p>18 I was going to visit my lawyer, I made up the</p> <p>19 packet.</p> <p>20 Q I understand that you made up a packet 11:04:22AM</p> <p>21 to bring to your lawyer. My question is, when</p> <p>22 did you come into possession of those</p> <p>23 statements?</p> <p>24 A Some here, some there, I don't know. 11:04:32AM</p> <p>25 I don't know.</p>

Page 77

1 RICHARD BOSETTI

2 Q In 2004, did you get copies of those 11:04:34AM

3 statements?

4 A Probably around 2005, 2006. 11:04:39AM

5 Q Why -- you made copies of the 11:04:42AM

6 statements at the police station in Ocean Beach?

7 A I don't know. Probably. Otherwise, 11:04:48AM

8 where would I have gotten them from?

9 Q I don't know. Were you authorized to 11:04:52AM

10 take copies of those statements?

11 A I don't recall. 11:04:55AM

12 Q Did anyone give you permission to take 11:04:56AM

13 copies of those statements?

14 A I don't recall. 11:04:59AM

15 Q Did you actually make the photocopies 11:04:59AM

16 of the statements?

17 A I don't recall. 11:05:03AM

18 Q So somewhere in 2004, 2005, you 11:05:05AM

19 obtained copies of those statements and brought

20 them home with you?

21 A Maybe 2006. Yeah. 11:05:14AM

22 Q Did you tell anyone that you were 11:05:15AM

23 taking those statements?

24 A I don't recall. 11:05:19AM

25 Q Did you ever ask anyone if you could 11:05:21AM

Page 78

1 RICHARD BOSETTI

2 take those statements?

3 A I don't recall. 11:05:26AM

4 Q You weren't terminated for taking 11:05:29AM

5 those statements, were you?

6 MR. NOVIKOFF: Objection. 11:05:34AM

7 A No. 11:05:34AM

8 MR. NOVIKOFF: No foundation. 11:05:35AM

9 BY MR. GOODSTADT: 11:05:40AM

10 Q Other than for reviewing witness 11:05:40AM

11 statements, what else have you done to prepare

12 for today's deposition?

13 When I say for today's deposition, I'm 11:05:51AM

14 including the last time, as well.

15 A That's about it. 11:05:58AM

16 Q Did you ever speak with anybody over 11:06:00AM

17 at the Rivkin Radler firm?

18 A This firm? 11:06:07AM

19 Q Not my firm, the firm that 11:06:09AM

20 Mr. Novikoff or any of his fellow colleagues

21 work at --

22 A No. 11:06:15AM

23 Q -- called Rivkin Radler. 11:06:15AM

24 You never spoke to Mr. Novikoff prior 11:06:18AM

25 to today?

Page 79

1 RICHARD BOSETTI

2 A No. 11:06:22AM

3 Q Did you ever speak to Michael Welch 11:06:22AM

4 prior to today?

5 A No. 11:06:22AM

6 Q Did you ever speak with Mr. Connolly 11:06:22AM

7 prior to today?

8 A I'm not sure. I'm not sure. 11:06:25AM

9 Q Have you ever spoken to any of 11:06:27AM

10 Mr. Hesse' lawyers in connection with this case?

11 A No. 11:06:31AM

12 Q Did you review any other documents 11:06:38AM

13 other than for those witness statements in

14 preparation for your deposition?

15 MR. NOVIKOFF: Objection. 11:06:45AM

16 A Did I review any other documents? 11:06:46AM

17 Q Did you review any other documents 11:06:49AM

18 other than for witness statements to prepare for

19 this deposition?

20 A No. What else is there? 11:06:53AM

21 Q Did you speak with any other current 11:06:55AM

22 or former employees of Ocean Beach to prepare

23 for this deposition?

24 A No. 11:07:00AM

25 Q Did you speak to your brother to 11:07:00AM

Page 80

1 RICHARD BOSETTI

2 prepare for this deposition?

3 A He knows I'm going. 11:07:03AM

4 Q Your brother is Gary Bosetti, correct? 11:07:04AM

5 A Yeah. 11:07:06AM

6 Q Did you speak to him at all about the 11:07:07AM

7 Halloween incident to prepare for this

8 deposition?

9 A We speak about the Halloween incident 11:07:13AM

10 often.

11 Q When was the last time you spoke with 11:07:19AM

12 your brother about the Halloween incident?

13 A It's often. When ever we think about 11:07:24AM

14 these three guys and what they did to us, it

15 comes up.

16 Q Have you spoken in the last two months 11:07:30AM

17 about the Halloween incident with your brother?

18 A Sure. 11:07:35AM

19 Q Did you review your brother's 11:07:38AM

20 statement in preparation for this deposition?

21 A Yes. Not yesterday. Not recently. 11:07:47AM

22 Q When was the last time you spoke to 11:07:52AM

23 Tyree Bacon? T-Y-R-E-E.

24 A Ty Bacon? 11:07:59AM

25 Q Ty Bacon. 11:08:00AM

Page 81

1 **RICHARD BOSETTI**

2 A Two years ago maybe. 11:08:07AM

3 **Q When was the last time you spoke to 11:08:08AM**

4 **George Hesse?**

5 A Couple of months. 11:08:19AM

6 **Q What did you discuss with Mr. Hesse a 11:08:21AM**

7 **couple of months ago?**

8 A How's his wife. How's his kids. 11:08:25AM

9 **Q Anything about this case? 11:08:28AM**

10 A No. 11:08:29AM

11 **Q Anything about the Gilbert case? 11:08:30AM**

12 A No. 11:08:34AM

13 **Q Have you ever spoken to Mr. Hesse 11:08:35AM**

14 **about the Gilbert incident?**

15 A No. 11:08:38AM

16 **Q Have you ever spoken to Mr. Hesse 11:08:39AM**

17 **about the Halloween incident?**

18 MR. NOVIKOFF: Objection. Just time 11:08:43AM

19 frame.

20 A He was my boss. 11:08:44AM

21 MR. GOODSTADT: At any point in time. 11:08:47AM

22 A He was my supervisor, of course. 11:08:48AM

23 **Q Have you ever spoken to Mr. Hesse 11:08:53AM**

24 **about the Halloween incident since you were**

25 **terminated from Ocean Beach?**

Page 82

1 **RICHARD BOSETTI**

2 MR. NOVIKOFF: Objection. You haven't 11:08:59AM

3 laid the foundation that he was terminated.

4 MR. GOODSTADT: You produced business 11:09:00AM

5 records.

6 MR. NOVIKOFF: I understand that. 11:09:03AM

7 Maybe you want to ask that question and then

8 proceed. Objection.

9 BY MR. GOODSTADT: 11:09:04AM

10 **Q You were terminated from Ocean Beach, 11:09:04AM**

11 **correct?**

12 A That depends. 11:09:06AM

13 **Q Depends on what? 11:09:07AM**

14 A On how you look at it. 11:09:09AM

15 **Q How do you look at it? 11:09:10AM**

16 A Well, I was terminated, but I was -- I 11:09:11AM

17 was asked not to come back, like these

18 gentlemen, but I was allowed to have my shield,

19 my ID card and everything else for a few months,

20 which led me to believe that maybe I wasn't

21 terminated. And I filed for unemployment

22 insurance, I fought the village for it, I won.

23 The arbitrators said that they had no basis, if

24 they were terminating me, to terminate me. And

25 that's what it came down to.

Page 83

1 **RICHARD BOSETTI**

2 **Q What was the reason given to you for 11:09:38AM**

3 **your termination by the village?**

4 A The reason for my termination was I 11:09:42AM

5 came into work, I wasn't feeling well, I

6 asked -- I told the station house officer that I

7 was going to go to the firehouse, which all a

8 police officers go to firehouses.

9 I laid down, all right, I had a cup of 11:09:55AM

10 tea. I put on the news. And Mayor Loeffler

11 walks in. I look at Mayor Loeffler. I said,

12 how you doing, Joey. He looks at me, good. An

13 hour later, he calls me to his office all pissed

14 off. You were sleeping. I said, I wasn't

15 sleeping. I saw you walk in. And then I just

16 left it at that. He started yelling and

17 screaming at me, and that was that.

18 **Q Were you on the clock when you were 11:10:22AM**

19 **lying down and drinking your tea?**

20 A I was on my break, yeah. 11:10:23AM

21 **Q On your break? You weren't being paid 11:10:25AM**

22 **at the time?**

23 A Of course, I was. You get paid for 11:10:26AM

24 your break.

25 **Q How long were you in the fire station 11:10:29AM**

Page 84

1 **RICHARD BOSETTI**

2 **for?**

3 A Fifteen minutes. 11:10:31AM

4 MR. GOODSTADT: Do you want to take a 11:10:35AM

5 five-minute break?

6 THE VIDEOGRAPHER: The time is 11:11. 11:10:37AM

7 We are going off the record.

8 (Whereupon, a discussion was held off 11:26:20AM

9 the record.)

10 THE VIDEOGRAPHER: The time is 11:28. 11:27:05AM

11 We are back on the record.

12 BY MR. GOODSTADT: 11:27:09AM

13 **Q Mr. Bosetti, I believe you testified 11:27:11AM**

14 **that you graduated the academy in 1982; is that**

15 **correct?**

16 A Correct. 11:27:17AM

17 **Q And when did you first get a job as a 11:27:18AM**

18 **police officer?**

19 A 1982, January. 11:27:24AM

20 **Q And where were you hired as a police 11:27:25AM**

21 **officer?**

22 A Excuse me? 11:27:30AM

23 **Q Where were you a police officer? What 11:27:31AM**

24 **jurisdiction?**

25 A I was a police officer in Brooklyn, 11:27:33AM

Page 85	Page 87
<p>1 RICHARD BOSETTI</p> <p>2 Brownville, East New York, Bed Sty.</p> <p>3 Q That was your first job as a police 11:27:43AM</p> <p>4 officer, in Brooklyn, Brownville?</p> <p>5 A Yes. 11:27:48AM</p> <p>6 Q What precinct was that? 11:27:48AM</p> <p>7 A That was the 81 precinct, the 11:27:49AM</p> <p>8 75 precinct.</p> <p>9 Q When were you in the 81? 11:27:53AM</p> <p>10 A I was in the 81 between 1982 and I 11:27:56AM</p> <p>11 think it was '80- -- end of '84.</p> <p>12 Q And how long were you in the 75? 11:28:13AM</p> <p>13 A One year, give or take a few months. 11:28:15AM</p> <p>14 Q What year was that? 11:28:19AM</p> <p>15 A Right after the 81. 1984, maybe to 11:28:21AM</p> <p>16 the beginning of '85.</p> <p>17 Q And where is the 75 located? 11:28:30AM</p> <p>18 A 1985 to approximately 1986, I think. 11:28:32AM</p> <p>19 Q Where is the 75 located? 11:28:41AM</p> <p>20 A That's on Sutter Avenue, East New 11:28:43AM</p> <p>21 York.</p> <p>22 Q Did you have to take any -- other than 11:28:49AM</p> <p>23 graduating the academy, did you have to take any</p> <p>24 tests to be certified by New York City civil</p> <p>25 service?</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Sure. 11:29:45AM</p> <p>3 Q Did you need to pass any written exam? 11:29:50AM</p> <p>4 A Sure. 11:29:55AM</p> <p>5 Q And did you pass all those tests on 11:29:57AM</p> <p>6 the first time you took them?</p> <p>7 A Yes. 11:30:01AM</p> <p>8 Q Did you ever fail any civil service 11:30:01AM</p> <p>9 tests in New York City?</p> <p>10 MR.. NOVIKOFF: Objection. 11:30:05AM</p> <p>11 A No. 11:30:05AM</p> <p>12 Q Did you need a pistol license? 11:30:06AM</p> <p>13 A Did I need one? 11:30:10AM</p> <p>14 Q Yes. 11:30:11AM</p> <p>15 A For? 11:30:11AM</p> <p>16 Q To carry a firearm as a police 11:30:12AM</p> <p>17 officer.</p> <p>18 A You don't need a pistol license if 11:30:14AM</p> <p>19 you're a police officer.</p> <p>20 Q I believe you testified that you were 11:30:19AM</p> <p>21 in the 75 in '85 and '86; is that correct?</p> <p>22 A Yeah. Approximately. 11:30:24AM</p> <p>23 Q Approximately. Is that the precinct 11:30:25AM</p> <p>24 that Michael Dowd worked in?</p> <p>25 A Yes. 11:30:30AM</p>
Page 86	Page 88
<p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Objection. 11:29:00AM</p> <p>3 A No. The academy was all of it, unless 11:29:01AM</p> <p>4 I took special -- unless I took special courses.</p> <p>5 Q Did you have to take any psychological 11:29:06AM</p> <p>6 tests --</p> <p>7 A Oh, yes. 11:29:10AM</p> <p>8 Q -- agility tests? 11:29:11AM</p> <p>9 What tests did you have to take to be 11:29:13AM</p> <p>10 certified by New York City?</p> <p>11 MR. NOVIKOFF: Hold on, hold on, hold 11:29:18AM</p> <p>12 on. Could we just have the question?</p> <p>13 BY MR. GOODSTADT: 11:29:19AM</p> <p>14 Q What tests did you have to take to be 11:29:19AM</p> <p>15 certified by New York City civil service?</p> <p>16 MR. NOVIKOFF: Objection. 11:29:24AM</p> <p>17 A To get the job, you had to be -- you 11:29:25AM</p> <p>18 had to take a physical, a psychological,</p> <p>19 medical, that's it. And then you had to pass</p> <p>20 the academy.</p> <p>21 Q So you didn't have to take a polygraph 11:29:39AM</p> <p>22 test?</p> <p>23 A No. 11:29:42AM</p> <p>24 Q Did you have to go through a 11:29:43AM</p> <p>25 background check?</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Did you ever work with Mr. Dowd? 11:30:31AM</p> <p>3 A In the car with him? If I worked with 11:30:38AM</p> <p>4 Dowd, I think I worked with him one day, if</p> <p>5 that. If that.</p> <p>6 Q And who is Michael Dowd? 11:30:49AM</p> <p>7 MR. NOVIKOFF: I'm going to object to 11:30:51AM</p> <p>8 the line of questioning as completely</p> <p>9 irrelevant to the issues in this case. I</p> <p>10 don't believe, not knowing Mr. Dowd, that he</p> <p>11 was a saint. I have a feeling that Mr. Dowd</p> <p>12 wasn't a saint --</p> <p>13 THE WITNESS: No, he wasn't. 11:31:03AM</p> <p>14 MR. NOVIKOFF: -- or a benevolent man, 11:31:04AM</p> <p>15 and I have an idea of why Mr. Goodstadt is</p> <p>16 asking you these questions. So I'll note my</p> <p>17 objections as to patently irrelevant, but I</p> <p>18 can't stop you from answering or stop him</p> <p>19 from asking.</p> <p>20 A Michael Dowd was the most corrupt cop 11:31:16AM</p> <p>21 the City of New York has ever had.</p> <p>22 Q What do you mean by that? 11:31:21AM</p> <p>23 A From what I understand, he took money, 11:31:22AM</p> <p>24 he pulled robberies, did stickups, worked with</p> <p>25 drug dealers.</p>

<p style="text-align: right;">Page 89</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Isn't it true that you told Mr. Snyder 11:31:32AM</p> <p>3 and Mr. Carter that you were proud to have</p> <p>4 worked with Mr. Dowd?</p> <p>5 A Hell no. Excuse me. No. 11:31:39AM</p> <p>6 Q Were you ever questioned by internal 11:31:41AM</p> <p>7 affairs in connection with the investigation</p> <p>8 into Mr. Dowd?</p> <p>9 A You know, I can't answer that 11:31:48AM</p> <p>10 truthfully, but I could honestly say I don't</p> <p>11 think so.</p> <p>12 Q So you don't recall one way or the 11:31:55AM</p> <p>13 other? You don't recall one way or the other</p> <p>14 for sure?</p> <p>15 A No. Because I was questioned before, 11:32:00AM</p> <p>16 you know, for other incidents, but I don't know</p> <p>17 if it would be for that. But I'm going to say</p> <p>18 no.</p> <p>19 Q Questioned about other incidents 11:32:08AM</p> <p>20 regarding Mr. Dowd?</p> <p>21 A Oh, no, no. Sometimes you're called 11:32:11AM</p> <p>22 in before a board, where you there that day, did</p> <p>23 you see this, did you see that, for other</p> <p>24 instances, which I don't recall. But every cop</p> <p>25 goes through it once in a while.</p>	<p style="text-align: right;">Page 91</p> <p>1 RICHARD BOSETTI</p> <p>2 Ono?</p> <p>3 A About three years. 11:33:28AM</p> <p>4 Q What years were those? 11:33:29AM</p> <p>5 A Right after Lennon got killed. 11:33:31AM</p> <p>6 Q How many hours a week did you work for 11:33:34AM</p> <p>7 Ms. Ono?</p> <p>8 A It varied. 11:33:38AM</p> <p>9 Q Between what and what? 11:33:39AM</p> <p>10 A Depended on her schedule and depending 11:33:41AM</p> <p>11 on my schedule as a police officer, they worked</p> <p>12 around it.</p> <p>13 Q Did she pay you for your services? 11:33:47AM</p> <p>14 A The company paid me, yes. 11:33:50AM</p> <p>15 MR. NOVIKOFF: Again, note my 11:33:52AM</p> <p>16 objection on the grounds of patently</p> <p>17 irrelevant.</p> <p>18 Go ahead. 11:33:56AM</p> <p>19 BY MR. GOODSTADT: 11:33:57AM</p> <p>20 Q What company paid you? 11:33:58AM</p> <p>21 A I think the name of it was Purelator. 11:34:01AM</p> <p>22 Q Were you ever disciplined during your 11:34:04AM</p> <p>23 employment with the New York City Police</p> <p>24 Department?</p> <p>25 A No. 11:34:31AM</p>
<p style="text-align: right;">Page 90</p> <p>1 RICHARD BOSETTI</p> <p>2 Q And other for the title of police 11:32:26AM</p> <p>3 officer, did you hold any other titles in the</p> <p>4 New York City Police Department?</p> <p>5 A No. 11:32:37AM</p> <p>6 Q So you didn't have any other ranks 11:32:40AM</p> <p>7 other than for police officer?</p> <p>8 A No. I retired a police officer. 11:32:43AM</p> <p>9 Q While you were employed with the New 11:32:45AM</p> <p>10 York City Police Department, did you work any</p> <p>11 other jobs?</p> <p>12 A Yes. 11:32:51AM</p> <p>13 Q What other jobs did you work? 11:32:51AM</p> <p>14 A I was a bodyguard for Yoko Ono. 11:32:53AM</p> <p>15 Q Anything else? 11:32:57AM</p> <p>16 A That's the only one that sticks in my 11:33:01AM</p> <p>17 memory right now.</p> <p>18 Q Did you ever work security or as a 11:33:04AM</p> <p>19 bouncer anywhere?</p> <p>20 A Did I ever? 11:33:08AM</p> <p>21 Q While you were employed by the New 11:33:09AM</p> <p>22 York City Police Department.</p> <p>23 A I don't recall, but I'll say no, 11:33:16AM</p> <p>24 unless you could refresh my memory somehow.</p> <p>25 Q How long were you a bodyguard for Yoko 11:33:24AM</p>	<p style="text-align: right;">Page 92</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Were you ever suspended? 11:34:31AM</p> <p>3 A No. 11:34:33AM</p> <p>4 Q Any charges ever brought against you? 11:34:38AM</p> <p>5 A No. 11:34:41AM</p> <p>6 Q Ever any claims of police brutality 11:34:41AM</p> <p>7 brought against you?</p> <p>8 A No. 11:34:45AM</p> <p>9 Q You testified you retired as a police 11:34:46AM</p> <p>10 officer; is that correct?</p> <p>11 A Yes. 11:34:50AM</p> <p>12 Q When did you retire? 11:34:50AM</p> <p>13 A January 25th, 2002. 11:34:52AM</p> <p>14 Q You had 20 years on the job? 11:34:55AM</p> <p>15 A Yes. 11:34:57AM</p> <p>16 Q Did you retire voluntarily? 11:34:59AM</p> <p>17 A Yes. 11:35:01AM</p> <p>18 Q Is that considered a full retirement? 11:35:04AM</p> <p>19 A Yes. 11:35:06AM</p> <p>20 Q So you're receiving a pension? 11:35:07AM</p> <p>21 A Yes. 11:35:08AM</p> <p>22 Q And after you retired from the New 11:35:10AM</p> <p>23 York City Police Department, were you a</p> <p>24 civilian?</p> <p>25 MR. NOVIKOFF: Objection. 11:35:22AM</p>

Page 93	Page 95
<p>1 RICHARD BOSETTI</p> <p>2 A Yes. 11:35:22AM</p> <p>3 Q So you didn't hold any police titles 11:35:23AM</p> <p>4 at that time, correct?</p> <p>5 A No, no police powers. 11:35:26AM</p> <p>6 Q And you're still receiving a full 11:35:33AM</p> <p>7 pension from the city?</p> <p>8 A Half -- yeah, regular pension. 11:35:36AM</p> <p>9 Q When were you hired at Ocean Beach? 11:35:43AM</p> <p>10 A I'm sorry? 11:36:11AM</p> <p>11 Q I asked, when were you hired at Ocean 11:36:11AM</p> <p>12 Beach?</p> <p>13 A Oh, I thought you didn't finish the 11:36:14AM</p> <p>14 sentence.</p> <p>15 When was I hired at Ocean Beach? That 11:36:17AM</p> <p>16 would be May of '02.</p> <p>17 Q And did you have to go through any 11:36:24AM</p> <p>18 other police academy or your New York City</p> <p>19 academy was sufficient?</p> <p>20 MR. NOVIKOFF: Objection. 11:36:33AM</p> <p>21 A I was told the New York City Police 11:36:33AM</p> <p>22 Academy was sufficient.</p> <p>23 Q Who told you that? 11:36:36AM</p> <p>24 A At the time, it would be Sergeant 11:36:37AM</p> <p>25 Hesse.</p>	<p>1 RICHARD BOSETTI</p> <p>2 the meeting.</p> <p>3 Q Who said come to the meeting? 11:37:42AM</p> <p>4 A I think it was -- whoever answered the 11:37:43AM</p> <p>5 phone. I'm guessing it might have been George.</p> <p>6 Q How did you learn about the position 11:37:49AM</p> <p>7 at Ocean Beach?</p> <p>8 A One of the guys at work. 11:37:53AM</p> <p>9 Q One of the guys that work in the city? 11:37:55AM</p> <p>10 A In NYPD, yeah. 11:37:57AM</p> <p>11 Q And who was that? 11:38:00AM</p> <p>12 A I forgot his name. He works the desk. 11:38:01AM</p> <p>13 Hahn.</p> <p>14 Q Hahn Kutteh? Is that his name? 11:38:15AM</p> <p>15 A Yeah. 11:38:19AM</p> <p>16 Q K-U-T-T-E-H? 11:38:19AM</p> <p>17 A Yes. 11:38:20AM</p> <p>18 Q And you worked with Mr. Kutteh in the 11:38:23AM</p> <p>19 city?</p> <p>20 A Not one on one. 11:38:27AM</p> <p>21 Q Did you work in the same precinct? 11:38:28AM</p> <p>22 A No. 11:38:30AM</p> <p>23 Q So how did you know Mr. Kutteh? 11:38:31AM</p> <p>24 A Because he was affiliated with the 11:38:33AM</p> <p>25 police ambulance unit, and my brother had worked</p>
Page 94	Page 96
<p>1 RICHARD BOSETTI</p> <p>2 Q When did you apply for the job at 11:36:42AM</p> <p>3 Ocean Beach?</p> <p>4 A When did I apply? 11:36:45AM</p> <p>5 Q Yes. 11:36:47AM</p> <p>6 A I went for a meeting in April, and I 11:36:47AM</p> <p>7 was -- there was also an interview.</p> <p>8 Q At the same time you went for the 11:36:56AM</p> <p>9 meeting or that was different?</p> <p>10 A Yeah, probably before and after the 11:36:59AM</p> <p>11 meeting. I don't recall.</p> <p>12 Q So who was the meeting within April of 11:37:02AM</p> <p>13 2002?</p> <p>14 A All the police officers. 11:37:05AM</p> <p>15 Q Had you already been hired by the time 11:37:09AM</p> <p>16 that meeting occurred?</p> <p>17 A No. 11:37:12AM</p> <p>18 Q How did you find out that you were 11:37:14AM</p> <p>19 invited to this meeting?</p> <p>20 A I was called -- I forgot -- let me 11:37:21AM</p> <p>21 see. I was told to show up to the meeting, I</p> <p>22 don't know by who. I think I called up, and I</p> <p>23 said yeah, you know, I want to apply for the</p> <p>24 job. Walter -- one of the guys at work</p> <p>25 recommended me. And he said, all right, come to</p>	<p>1 RICHARD BOSETTI</p> <p>2 there with him.</p> <p>3 Q So your brother worked with 11:38:44AM</p> <p>4 Mr. Kutteh?</p> <p>5 A Yes. 11:38:48AM</p> <p>6 Q Had you met Mr. Kutteh prior to 11:38:48AM</p> <p>7 learning about the position at Ocean Beach with</p> <p>8 him?</p> <p>9 A Probably by coming and going, seeing 11:38:52AM</p> <p>10 his face every once in a while.</p> <p>11 Q Did you ever socialize with him prior 11:38:57AM</p> <p>12 to that time?</p> <p>13 A No. 11:39:00AM</p> <p>14 Q Did you know any other officers at 11:39:02AM</p> <p>15 Ocean Beach other than from Mr. Kutteh?</p> <p>16 A No. 11:39:07AM</p> <p>17 Q Had you ever met George Hesse -- 11:39:08AM</p> <p>18 A No. 11:39:09AM</p> <p>19 Q -- prior to that time? 11:39:10AM</p> <p>20 What did Mr. Kutteh tell you about the 11:39:13AM</p> <p>21 Ocean Beach job?</p> <p>22 A That they may need officers, you'll 11:39:16AM</p> <p>23 find out.</p> <p>24 Q And then you called over after you 11:39:24AM</p> <p>25 learned that from Mr. Kutteh?</p>

<p style="text-align: right;">Page 97</p> <p>1 RICHARD BOSETTI</p> <p>2 A He might have made a phone call and 11:39:28AM</p> <p>3 said Richie is going to call. I don't know. I</p> <p>4 don't know how he did that, but I called</p> <p>5 somehow.</p> <p>6 Q So you showed up to this meeting in 11:39:34AM</p> <p>7 April 2002, and all the police officers were</p> <p>8 there; is that correct?</p> <p>9 A Yes. 11:39:39AM</p> <p>10 Q Was this the pre-season meeting of the 11:39:39AM</p> <p>11 department?</p> <p>12 A Yeah. 11:39:42AM</p> <p>13 Q And did you have an interview before 11:39:46AM</p> <p>14 or after that meeting?</p> <p>15 A I'm not sure. 11:39:49AM</p> <p>16 Q Who did you interview with? 11:39:50AM</p> <p>17 A I think it was Chief Paradiso and 11:39:52AM</p> <p>18 George Hesse.</p> <p>19 Q What was your understanding of 11:40:00AM</p> <p>20 Mr. Hesse's title at the time?</p> <p>21 A My understanding was he was sergeant. 11:40:04AM</p> <p>22 Q Did you interview with anyone else 11:40:10AM</p> <p>23 other than for Paradiso and Hesse?</p> <p>24 A No. I think that was it. 11:40:15AM</p> <p>25 Q Which one did you interview with 11:40:16AM</p>	<p style="text-align: right;">Page 99</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Anything else? 11:41:04AM</p> <p>3 A That's it. 11:41:06AM</p> <p>4 Q Where did you learn that, you had to 11:41:08AM</p> <p>5 retire from a police department within a year?</p> <p>6 A Word of mouth around there. By who, I 11:41:12AM</p> <p>7 don't recall.</p> <p>8 Q When did you learn that? 11:41:16AM</p> <p>9 A Might have been before the meeting. 11:41:19AM</p> <p>10 Q Did you do any research on your own as 11:41:21AM</p> <p>11 to whether that was accurate or not?</p> <p>12 A No. 11:41:25AM</p> <p>13 Q Did you fill out any paperwork on that 11:41:33AM</p> <p>14 day?</p> <p>15 A Yeah, I think so. 11:41:38AM</p> <p>16 Q What paperwork did you fill out? 11:41:39AM</p> <p>17 A How many people you claim. How many 11:41:42AM</p> <p>18 people you claim for tax purpose and stuff like</p> <p>19 that.</p> <p>20 Q Any other? 11:41:48AM</p> <p>21 A And who you call if you get hurt, your 11:41:49AM</p> <p>22 first notification, who they should call.</p> <p>23 Q Anything else other than for a tax 11:41:55AM</p> <p>24 form and emergency contact form?</p> <p>25 A I don't recall any others. 11:41:59AM</p>
<p style="text-align: right;">Page 98</p> <p>1 RICHARD BOSETTI</p> <p>2 first?</p> <p>3 A I don't know. 11:40:19AM</p> <p>4 Q Did you discuss with Chief Paradiso 11:40:20AM</p> <p>5 any tests or certifications that you would need</p> <p>6 to be a police officer at Ocean Beach?</p> <p>7 MR. NOVIKOFF: Objection. 11:40:29AM</p> <p>8 A No. 11:40:32AM</p> <p>9 Q Did you discuss with Mr. Hesse any 11:40:33AM</p> <p>10 tests or certifications that you would need to</p> <p>11 be a police officer at Ocean Beach?</p> <p>12 A No. 11:40:39AM</p> <p>13 Q In that April 2002 day, whether it be 11:40:40AM</p> <p>14 at the meeting or in one of these interviews,</p> <p>15 did you discuss with anyone what certification</p> <p>16 you would need to be a police officer at Ocean</p> <p>17 Beach?</p> <p>18 MR. NOVIKOFF: Objection. 11:40:52AM</p> <p>19 A No. 11:40:52AM</p> <p>20 Q Did you know what certification you 11:40:53AM</p> <p>21 would need to become a police officer at Ocean</p> <p>22 Beach?</p> <p>23 MR. NOVIKOFF: Objection. 11:40:58AM</p> <p>24 A You had to retire from a police 11:40:59AM</p> <p>25 department within a year.</p>	<p style="text-align: right;">Page 100</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Was there any employment application 11:42:01AM</p> <p>3 that you filled out?</p> <p>4 A Employment application? No. 11:42:05AM</p> <p>5 Q Employment application. 11:42:09AM</p> <p>6 A I don't recall. I don't think so. 11:42:09AM</p> <p>7 Q Did you fill out any civil service 11:42:11AM</p> <p>8 paperwork?</p> <p>9 A No. 11:42:14AM</p> <p>10 Q Did you fill out any employment 11:42:15AM</p> <p>11 application prior to commencing work?</p> <p>12 A No. 11:42:21AM</p> <p>13 Q Actually, strike that. 11:42:21AM</p> <p>14 Did you fill out any -- I guess I 11:42:23AM</p> <p>15 asked the question. Did you fill out any</p> <p>16 employment application prior to being hired?</p> <p>17 A No. 11:42:31AM</p> <p>18 Q Did you fill out any civil service 11:42:32AM</p> <p>19 paperwork prior to commencing work as a police</p> <p>20 officer at Ocean Beach?</p> <p>21 MR. NOVIKOFF: Objection. 11:42:38AM</p> <p>22 A No. 11:42:39AM</p> <p>23 Q Did you fill out any civil service 11:42:40AM</p> <p>24 paperwork prior to being hired as a police</p> <p>25 officer on Ocean Beach?</p>

Page 101

1 **RICHARD BOSETTI**

2 MR. NOVIKOFF: Objection. 11:42:46AM

3 A No. 11:42:47AM

4 **Q Other than for Chief Paradiso and 11:42:50AM**

5 **Sergeant Hesse, did you interview with anyone**

6 **else for that position?**

7 A No. 11:42:56AM

8 **Q How long did the interview with 11:42:57AM**

9 **Paradiso last?**

10 A I don't recall.. 11:43:04AM

11 **Q And you don't recall whether you met 11:43:05AM**

12 **with him first or Hesse first?**

13 A No, I don't remember. 11:43:08AM

14 MR. NOVIKOFF: Objection. 11:43:09AM

15 BY MR. GOODSTADT: 11:43:10AM

16 **Q What did Mr. Paradiso tell you about 11:43:10AM**

17 **the job during the interview?**

18 A That it's a nice job. It's all 11:43:19AM

19 festive. A lot of families, a lot of kids.

20 **Q Anything else? 11:43:30AM**

21 A That's it. 11:43:31AM

22 **Q Did you discuss what tours you'd be 11:43:32AM**

23 **working?**

24 A Not at that point, no. 11:43:36AM

25 **Q What did Mr. Hesse tell you about the 11:43:39AM**

Page 102

1 **RICHARD BOSETTI**

2 **job during your interview?**

3 A The same -- probably the same thing. 11:43:43AM

4 **Q That it was festive, there were a lot 11:43:46AM**

5 **of families, a lot of kids?**

6 A Yeah. You know. Yeah. 11:43:49AM

7 **Q When were you offered the job? 11:43:54AM**

8 A Excuse me? 11:43:56AM

9 **Q When were you offered the job as a 11:43:57AM**

10 **police officer in Ocean Beach?**

11 A Well, I guess while I was filling out 11:44:00AM

12 my papers for the IRS, I guess I knew that I

13 was -- you know, I was heading towards that way.

14 **Q Did you fill out those papers on the 11:44:11AM**

15 **same day?**

16 A Yes. 11:44:14AM

17 **Q Did anyone actually make an offer to 11:44:15AM**

18 **you, whether it was verbally or in writing, on**

19 **that day?**

20 A No. 11:44:20AM

21 **Q Did anyone at any point in time offer 11:44:21AM**

22 **you the job, either verbally or in writing?**

23 A Oh, yeah. 11:44:26AM

24 **Q When did that happen? 11:44:27AM**

25 A At the end of the meeting, after we 11:44:28AM

Page 103

1 **RICHARD BOSETTI**

2 were discussing what exactly the job was about,

3 we went back to the office. And he goes, what

4 do you guys think? Do you want the job? And I

5 said, all right, yeah, it sounds good.

6 **Q When you say "you guys," who else was 11:44:45AM**

7 **there?**

8 A My brother. 11:44:47AM

9 **Q Did you guys interview together? 11:44:49AM**

10 A Yes. 11:44:51AM

11 **Q So you were both in together with 11:44:52AM**

12 **Paradiso and both in together with Hesse?**

13 A Yes. 11:44:56AM

14 **Q Do you know whether your brother knew 11:44:56AM**

15 **Hesse prior to that day?**

16 A I can't speak for him, but I doubt it 11:45:00AM

17 very much..

18 **Q Did you know Paradiso prior to that 11:45:03AM**

19 **day?**

20 A No. 11:45:05AM

21 **Q Do you know whether your brother knew 11:45:06AM**

22 **Paradiso prior to that day?**

23 A No. 11:45:09AM

24 **Q What was your response after they 11:45:10AM**

25 **asked you what do you guys think?**

Page 104

1 **RICHARD BOSETTI**

2 A I said it sounds good. 11:45:15AM

3 **Q So did you accept the job? 11:45:21AM**

4 A Yes, I did. 11:45:22AM

5 **Q Did you ever get a job description for 11:45:27AM**

6 **that position?**

7 A Not written, but that day I was shown. 11:45:33AM

8 **Q You were shown the job description? 11:45:36AM**

9 A Yeah. Well, I think one of the police 11:45:38AM

10 officers -- I'm not sure it who it was -- took

11 me up and down one of the blocks and said this

12 is what it's like here, you know, and all of

13 this other stuff and, you know -- but job

14 description is being a police officer.

15 **Q Did anyone actually show you the job 11:45:57AM**

16 **description, like a written description for**

17 **being a police officer at Ocean Beach?**

18 MR. NOVIKOFF: Objection. 11:46:04AM

19 A No. I mean, it's more or less the 11:46:05AM

20 same. I mean, any department you go, it's to

21 enforce the laws, protect life and property.

22 **Q Did you know the civil service 11:46:12AM**

23 **requirements for being a police officer in Ocean**

24 **Beach at the time?**

25 A No. 11:46:17AM

<p style="text-align: right;">Page 105</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Do you know what civil service 11:46:19AM</p> <p>3 classification your position was with Ocean</p> <p>4 Beach?</p> <p>5 A No. 11:46:24AM</p> <p>6 Q Who made the decision to hire you? 11:46:30AM</p> <p>7 A I guess it would've been -- it 11:46:32AM</p> <p>8 would've been Paradiso at the time. He was</p> <p>9 chief.</p> <p>10 Q Is he the one that actually at the 11:46:38AM</p> <p>11 office said, what do you guys think? Or was</p> <p>12 that Hesse?</p> <p>13 A I don't recall which one said what. 11:46:44AM</p> <p>14 Q Who was at that meeting at the end of 11:46:46AM</p> <p>15 the day in the office?</p> <p>16 A Me and my brother. Maybe there were a 11:46:49AM</p> <p>17 couple of stragglers around, but I don't know.</p> <p>18 I don't know who they were.</p> <p>19 Q Who were you meeting with? 11:46:55AM</p> <p>20 A Who was I meeting with? 11:46:57AM</p> <p>21 Q You and your brother were meeting with 11:47:00AM</p> <p>22 somebody, correct, at the office?</p> <p>23 A Yeah. It was just George, the chief 11:47:04AM</p> <p>24 and maybe one or two officers. It wasn't</p> <p>25 formal. We were just standing up in a room</p>	<p style="text-align: right;">Page 107</p> <p>1 RICHARD BOSETTI</p> <p>2 the sergeant, correct?</p> <p>3 A Yes. 11:48:07AM</p> <p>4 Q Did any other officers have any rank, 11:48:07AM</p> <p>5 other than for police officer, aside from the</p> <p>6 two of them?</p> <p>7 MR. NOVIKOFF: Objection. 11:48:12AM</p> <p>8 A No. 11:48:15AM</p> <p>9 Q And other than for Hesse and Paradiso, 11:48:23AM</p> <p>10 did you meet with any other officers that day?</p> <p>11 A Yes. 11:48:29AM</p> <p>12 Q How many other officers did you meet 11:48:30AM</p> <p>13 with?</p> <p>14 A Maybe 10, 15, 20. 11:48:32AM</p> <p>15 Q Who showed you through the blocks and 11:48:35AM</p> <p>16 said, hey, this is what we do here?</p> <p>17 A I'm not sure. 11:48:39AM</p> <p>18 Q When you got there and saw all the 11:48:46AM</p> <p>19 other officers, did you recognize any of them,</p> <p>20 other than for Kutteh?</p> <p>21 A Kutteh wasn't even there.. 11:48:54AM</p> <p>22 Q Kutteh wasn't there? 11:48:55AM</p> <p>23 A No. 11:48:56AM</p> <p>24 Q Did you recognize any officers there? 11:48:57AM</p> <p>25 A No. 11:48:59AM</p>
<p style="text-align: right;">Page 106</p> <p>1 RICHARD BOSETTI</p> <p>2 talking.</p> <p>3 Q And you and don't recall who actually 11:47:11AM</p> <p>4 said to you, what do you guys think?</p> <p>5 A No. 11:47:16AM</p> <p>6 Q After being hired, did you have to 11:47:17AM</p> <p>7 submit any paperwork?</p> <p>8 A No. 11:47:24AM</p> <p>9 Q So after you were hired, you didn't 11:47:26AM</p> <p>10 fill out anything, any civil service paperwork</p> <p>11 for Suffolk County?</p> <p>12 A No. 11:47:32AM</p> <p>13 Q Other than for Paradiso being the 11:47:38AM</p> <p>14 chief and Hesse, to your understanding, being</p> <p>15 the sergeant, were there any other officers who</p> <p>16 had titles other than for police officer, or</p> <p>17 ranks?</p> <p>18 A That were present? 11:47:50AM</p> <p>19 Q In the department? 11:47:52AM</p> <p>20 A At the meeting? I don't understand. 11:47:54AM</p> <p>21 Q Just generally. The Ocean Beach 11:47:56AM</p> <p>22 Police Department was set up when you</p> <p>23 interviewed. The chief was Paradiso, correct?</p> <p>24 A Yes. 11:48:02AM</p> <p>25 Q Your understanding is that Hesse was 11:48:03AM</p>	<p style="text-align: right;">Page 108</p> <p>1 RICHARD BOSETTI</p> <p>2 Q So you hadn't worked with any other 11:48:59AM</p> <p>3 officers in the city over there that day?</p> <p>4 A No. Me and my brother, from what I 11:49:03AM</p> <p>5 understand, were the first ones to be hired from</p> <p>6 New York City.</p> <p>7 Q Did Kutteh have another job, other 11:49:08AM</p> <p>8 than for a city officer, at the time?</p> <p>9 A No. I know he was a volunteer 11:49:13AM</p> <p>10 fireman. I don't even think -- I'm not even</p> <p>11 sure if Kutteh worked with Ocean Beach at the</p> <p>12 time.</p> <p>13 Q But I believe you testified that 11:49:23AM</p> <p>14 Kutteh told you that you had to retire as a</p> <p>15 police officer within a year; is that correct?</p> <p>16 MR. NOVIKOFF: Objection. 11:49:31AM</p> <p>17 A No, I never said that. 11:49:32AM</p> <p>18 Q Oh, he wasn't the one that told you 11:49:34AM</p> <p>19 that?</p> <p>20 A No. 11:49:36AM</p> <p>21 Q You don't recall where you learned 11:49:36AM</p> <p>22 that from?</p> <p>23 A No. 11:49:39AM</p> <p>24 Q When did you start working at Ocean 11:49:40AM</p> <p>25 Beach?</p>

<p style="text-align: right;">Page 109</p> <p>1 RICHARD BOSETTI</p> <p>2 A May, actually start in May. 11:49:45AM</p> <p>3 Q So your first tour was in May of 11:49:46AM</p> <p>4 '02 -- May of '02?</p> <p>5 A Yes. 11:49:52AM</p> <p>6 Q What tour did you work at the 11:49:52AM</p> <p>7 beginning?</p> <p>8 A My first tour was with Tommy Snyder. 11:49:54AM</p> <p>9 I did 4 to 12.</p> <p>10 Q Was your regular tour 4 to 12? 11:50:04AM</p> <p>11 A Yes. 11:50:06AM</p> <p>12 Q Did it ever change to a different tour 11:50:06AM</p> <p>13 as a regular tour?</p> <p>14 A Yeah. The chief put me on -- my 11:50:09AM</p> <p>15 brother on midnights, and I told him that I'm</p> <p>16 not going to work midnights.</p> <p>17 Q When did the chief do that? 11:50:19AM</p> <p>18 A Paradiso. 11:50:21AM</p> <p>19 Q When did the chief do that? 11:50:22AM</p> <p>20 A Why? Because he needed men for the 11:50:24AM</p> <p>21 midnights.</p> <p>22 Q When did the chief do that? 11:50:26AM</p> <p>23 A I don't know. Probably within the 11:50:28AM</p> <p>24 first couple of weeks.</p> <p>25 Q So it was in '02? 11:50:31AM</p>	<p style="text-align: right;">Page 111</p> <p>1 RICHARD BOSETTI</p> <p>2 Q So it was Wednesday from four in the 11:51:29AM</p> <p>3 afternoon to midnight, Thursday four in the</p> <p>4 afternoon to midnight, Friday four in the</p> <p>5 afternoon to midnight?</p> <p>6 A Yes. 11:51:38AM</p> <p>7 Q Who was your supervisor on that tour? 11:51:38AM</p> <p>8 A It would've been either Chief Paradiso 11:51:47AM</p> <p>9 or George Hesse or no one at all.</p> <p>10 Q Were there certain days where it was 11:51:53AM</p> <p>11 Paradiso, certain days where it was Hesse and</p> <p>12 certain days it was no one?</p> <p>13 A Yes. 11:51:58AM</p> <p>14 Q What days was Paradiso your 11:51:58AM</p> <p>15 supervisor?</p> <p>16 A I don't recall. 11:52:02AM</p> <p>17 Q You don't recall what day Hesse was 11:52:02AM</p> <p>18 your supervisor?</p> <p>19 A No. 11:52:05AM</p> <p>20 Q You don't recall what day nobody was 11:52:05AM</p> <p>21 your supervisor?</p> <p>22 A No. 11:52:08AM</p> <p>23 Q On days where either or both Hesse and 11:52:10AM</p> <p>24 Paradiso were not on your tour, how was it</p> <p>25 determined who was the superior officer on that</p>
<p style="text-align: right;">Page 110</p> <p>1 RICHARD BOSETTI</p> <p>2 A Of '02, yes. 11:50:33AM</p> <p>3 Q And why did he put you on the 11:50:35AM</p> <p>4 midnights?</p> <p>5 A Probably that's where we needed the 11:50:38AM</p> <p>6 manpower.</p> <p>7 Q That's what he told you? 11:50:41AM</p> <p>8 A Yeah. He said, just do it for a few 11:50:42AM</p> <p>9 weeks, and then I'll get you squared -- try to</p> <p>10 get you squared with, you know, whatever hours</p> <p>11 you might want.</p> <p>12 Q How many midnight tours did you work? 11:50:50AM</p> <p>13 A I don't remember. Maybe a few, one or 11:50:53AM</p> <p>14 two.</p> <p>15 Q How many weeks were you on midnights? 11:50:55AM</p> <p>16 A Maybe just one or two nights, three 11:50:57AM</p> <p>17 nights. I'm only guessing at this.</p> <p>18 Q In '02, how many tours did you work 11:51:02AM</p> <p>19 per week?</p> <p>20 A Three, approximately, rounded off. 11:51:13AM</p> <p>21 Q Were there set days that you were 11:51:18AM</p> <p>22 working?</p> <p>23 A Yes. 11:51:20AM</p> <p>24 Q What days did you work? 11:51:20AM</p> <p>25 A Wednesday, Thursday and Friday. 11:51:22AM</p>	<p style="text-align: right;">Page 112</p> <p>1 RICHARD BOSETTI</p> <p>2 tour?</p> <p>3 A Well, usually in a police department, 11:52:19AM</p> <p>4 it goes by seniority.</p> <p>5 Q I'm not asking how it usually works. 11:52:25AM</p> <p>6 I'm talking about at Ocean Beach, how it works.</p> <p>7 MR. NOVIKOFF: He answered your prior 11:52:31AM</p> <p>8 question. I'm going to object to the</p> <p>9 question.</p> <p>10 BY MR. GOODSTADT: 11:52:34AM</p> <p>11 Q How did it work at Ocean Beach? 11:52:34AM</p> <p>12 A There was no superior officer unless 11:52:36AM</p> <p>13 somebody was there longer than you, and me and</p> <p>14 my brother started the same day.</p> <p>15 Q So you viewed any other officers that 11:52:43AM</p> <p>16 were on duty with you on those days as being</p> <p>17 your superior officer?</p> <p>18 A Yeah. Not so much superior officer. 11:52:50AM</p> <p>19 But if a decision had to be made, it would</p> <p>20 basically come down to the one that was -- had</p> <p>21 the most time on to make a decision.</p> <p>22 Q The most time on at Ocean Beach? 11:53:01AM</p> <p>23 A Yeah, at Ocean Beach. 11:53:03AM</p> <p>24 Q What does the phrase "chain of 11:53:07AM</p> <p>25 command" mean?</p>

<p style="text-align: right;">Page 113</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Objection. 11:53:11AM</p> <p>3 A The chain of command means you 11:53:12AM</p> <p>4 start -- if you have to complain about</p> <p>5 something, you start with your chain of command,</p> <p>6 which means in Ocean Beach it would've been the</p> <p>7 sergeant and then the chief.</p> <p>8 Q So if you were a police officer, your 11:53:27AM</p> <p>9 understanding of the chain of command is if you</p> <p>10 made a complaint, it would be to your sergeant?</p> <p>11 MR. NOVIKOFF: Objection. 11:53:35AM</p> <p>12 A Yes. 11:53:35AM</p> <p>13 Q And then the sergeant would bring it 11:53:36AM</p> <p>14 up to the chief; is that how it works?</p> <p>15 MR. NOVIKOFF: Objection. 11:53:43AM</p> <p>16 A Yes. 11:53:43AM</p> <p>17 Q But you wouldn't go straight to the 11:53:43AM</p> <p>18 chief, correct?</p> <p>19 MR. NOVIKOFF: Objection. 11:53:43AM</p> <p>20 A Sure. 11:53:43AM</p> <p>21 Q Is that going outside of your chain of 11:53:43AM</p> <p>22 command?</p> <p>23 A Yes. Well, if you're going to look at 11:53:47AM</p> <p>24 it that way, it would be, but it was more, you</p> <p>25 know, if the chief was there, you'd ask the</p>	<p style="text-align: right;">Page 115</p> <p>1 RICHARD BOSETTI</p> <p>2 don't remember "suspended."</p> <p>3 Q Why was he put on the day tour? 11:54:48AM</p> <p>4 MR. NOVIKOFF: Objection. 11:54:51AM</p> <p>5 A I don't know. 11:54:54AM</p> <p>6 Q And who covered the night tours when 11:54:54AM</p> <p>7 he was put on the day tours?</p> <p>8 A I guess if the chief was working, he 11:55:00AM</p> <p>9 did. If not, I worked, I did.</p> <p>10 Q Did the chief generally cover night 11:55:06AM</p> <p>11 tours?</p> <p>12 MR. NOVIKOFF: Objection. 11:55:12AM</p> <p>13 A Sometimes. 11:55:14AM</p> <p>14 Q How frequently did the chief cover 11:55:15AM</p> <p>15 night tours?</p> <p>16 A I can't answer that accurately. 11:55:19AM</p> <p>17 Q Did the chief and Hesse have set tours 11:55:30AM</p> <p>18 while you were there?</p> <p>19 A I remember -- I guess in the very 11:55:36AM</p> <p>20 beginning; but if you're going ask me when and</p> <p>21 why, I don't know.</p> <p>22 Q What do you mean by you in the very 11:55:43AM</p> <p>23 beginning? Did it change at some point?</p> <p>24 A I don't know. I can't answer that. 11:55:47AM</p> <p>25 Q How long a period did Hesse cover the 11:55:49AM</p>
<p style="text-align: right;">Page 114</p> <p>1 RICHARD BOSETTI</p> <p>2 chief.</p> <p>3 Q Okay. So let me just get this. On 11:53:55AM</p> <p>4 days when the chief was your superior officer,</p> <p>5 you would go to your chief; on days when Hesse</p> <p>6 was your superior officer, you'd go to Hesse?</p> <p>7 MR. NOVIKOFF: Objection. 11:54:05AM</p> <p>8 A Yes. 11:54:06AM</p> <p>9 Q Do you recall Hesse being suspended 11:54:13AM</p> <p>10 from night tours in 2002?</p> <p>11 A Being suspended? 11:54:19AM</p> <p>12 Q Yes. 11:54:21AM</p> <p>13 A From night tours? 11:54:21AM</p> <p>14 Q Taken off the night tour and put on 11:54:22AM</p> <p>15 the day tour in 2002?</p> <p>16 MR. NOVIKOFF: Objection. That's a 11:54:27AM</p> <p>17 different question.</p> <p>18 A I didn't think it was that -- I didn't 11:54:29AM</p> <p>19 think it was -- I thought he went to days a year</p> <p>20 or two later. But no, I don't remember that.</p> <p>21 Q So putting aside the date, there was a 11:54:35AM</p> <p>22 point in time where he was put to day tours; is</p> <p>23 that correct?</p> <p>24 MR.. CONNOLLY: Objection. 11:54:42AM</p> <p>25 A Yes. Without the word "suspended." I 11:54:42AM</p>	<p style="text-align: right;">Page 116</p> <p>1 RICHARD BOSETTI</p> <p>2 day tours when he was put on the day tours?</p> <p>3 MR. NOVIKOFF: Objection. Foundation. 11:55:58AM</p> <p>4 A A year, two years maybe. I don't 11:56:01AM</p> <p>5 know.</p> <p>6 Q You never heard that it was due to 11:56:10AM</p> <p>7 public complaints about his performance?</p> <p>8 MR. NOVIKOFF: Objection. 11:56:15AM</p> <p>9 MR. CONNOLLY: Objection. 11:56:17AM</p> <p>10 A George's performance? 11:56:18AM</p> <p>11 Q Yes. 11:56:20AM</p> <p>12 A No. 11:56:21AM</p> <p>13 Q You never heard that? 11:56:21AM</p> <p>14 A No. Uh-huh. 11:56:22AM</p> <p>15 Q Was anyone else hired as a Ocean Beach 11:56:24AM</p> <p>16 police officer in the same year that you were?</p> <p>17 MR. NOVIKOFF: Objection. 11:56:31AM</p> <p>18 A Yeah. There was one officer that was. 11:56:32AM</p> <p>19 I can't remember his name. I think he was from</p> <p>20 the city.</p> <p>21 MR. NOVIKOFF: You mean other than his 11:56:40AM</p> <p>22 brother?</p> <p>23 BY MR. GOODSTADT: 11:56:42AM</p> <p>24 Q Other than your brother. 11:56:42AM</p> <p>25 A Yeah. 11:56:44AM</p>

Page 117	Page 119
<p>1 RICHARD BOSETTI</p> <p>2 MR. GOODSTADT: I hope he remembers 11:56:44AM</p> <p>3 his brother's name.</p> <p>4 A Yeah. I want to forget him, but -- 11:56:46AM</p> <p>5 Q So it was you, your brother and 11:56:49AM</p> <p>6 another retired officer from the city?</p> <p>7 A Somewhere around that time, yeah. 11:56:54AM</p> <p>8 Q You don't recall the officer's name? 11:56:56AM</p> <p>9 A No. 11:56:58AM</p> <p>10 Q Was it an officer that you had worked 11:56:59AM</p> <p>11 it?</p> <p>12 A I can recall his car, believe it or 11:57:01AM</p> <p>13 not, but I can't recall his name.</p> <p>14 Q Was it an officer you worked with in 11:57:05AM</p> <p>15 the city?</p> <p>16 A No. 11:57:08AM</p> <p>17 Q Did you know that officer in the city? 11:57:09AM</p> <p>18 A No. 11:57:11AM</p> <p>19 Q Did your brother work with that 11:57:11AM</p> <p>20 officer in the city?</p> <p>21 A No. 11:57:14AM</p> <p>22 Q Do you know whether he knew him? 11:57:15AM</p> <p>23 A No. 11:57:16AM</p> <p>24 Q How many -- well, strike that. 11:57:16AM</p> <p>25 What was your actual title when you 11:57:17AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 slowed down towards the end years because he got</p> <p>3 more people to fill in for the midnights and</p> <p>4 stuff, and they cut dramatically. There was</p> <p>5 only one cop working the tour. And usually the</p> <p>6 senior guys would get it.</p> <p>7 Q So towards the end, there would only 11:58:25AM</p> <p>8 be one cop in the off season working the</p> <p>9 midnight tour?</p> <p>10 A Yeah. 11:58:31AM</p> <p>11 Q So your 4 to 12 tour that you worked 11:58:31AM</p> <p>12 generally during the season, that was different</p> <p>13 than the tour you generally worked off season?</p> <p>14 A Off season, I would do day tours, I'd 11:58:41AM</p> <p>15 fill in. I would do midnights sometimes, but I</p> <p>16 didn't like to do midnights.</p> <p>17 Q So you understand that you were 11:58:58AM</p> <p>18 classified as a part-time police officer?</p> <p>19 MR. NOVIKOFF: Objection. 11:59:01AM</p> <p>20 A Part-time. 11:59:03AM</p> <p>21 Q That's your understanding? 11:59:03AM</p> <p>22 A Yes. 11:59:04AM</p> <p>23 Q When the tours on the off season dried 11:59:10AM</p> <p>24 up, was that because the beach had hired</p> <p>25 full-time police officers?</p>
Page 118	Page 120
<p>1 RICHARD BOSETTI</p> <p>2 were hired?</p> <p>3 MR. NOVIKOFF: Objection. 11:57:20AM</p> <p>4 A Police officer. 11:57:21AM</p> <p>5 Q Was it a full-time police officer, 11:57:22AM</p> <p>6 part-time police officer, a seasonal police</p> <p>7 officer?</p> <p>8 A Oh -- 11:57:26AM</p> <p>9 MR. NOVIKOFF: Objection. 11:57:28AM</p> <p>10 A I think it was part-time. 11:57:30AM</p> <p>11 Q Did you work outside of the season at 11:57:35AM</p> <p>12 Ocean Beach?</p> <p>13 A Yes. 11:57:39AM</p> <p>14 Q What were -- 11:57:40AM</p> <p>15 A The first couple of years. 11:57:42AM</p> <p>16 Q What's your understanding of the 11:57:43AM</p> <p>17 definition of the season?</p> <p>18 A From Memorial Day to Labor Day. 11:57:46AM</p> <p>19 Q So for the first couple of years, you 11:57:51AM</p> <p>20 worked during the season and off season?</p> <p>21 A Yes. 11:57:56AM</p> <p>22 Q How many years did you work off 11:57:57AM</p> <p>23 season?</p> <p>24 A Almost -- almost a whole -- almost the 11:58:01AM</p> <p>25 whole five or six years that I was there, but it</p>	<p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Objection. Foundation. 11:59:20AM</p> <p>3 A Yeah -- yeah, I'm not sure. 11:59:23AM</p> <p>4 Q Did there come a point when the beach 11:59:27AM</p> <p>5 hired full-time officers --</p> <p>6 MR. NOVIKOFF: Objection. 11:59:32AM</p> <p>7 Q -- other than for Hesse and Paradiso? 11:59:33AM</p> <p>8 MR. NOVIKOFF: Objection. Foundation. 11:59:36AM</p> <p>9 A Yes. 11:59:37AM</p> <p>10 Q And when did that happen? 11:59:39AM</p> <p>11 A Again, I'm guessing now. 11:59:40AM</p> <p>12 MR. FEHRINGER: I don't want you to 11:59:40AM</p> <p>13 guess. If you can't recall, you can't</p> <p>14 recall.</p> <p>15 A The later years. I can't recall. 11:59:40AM</p> <p>16 Q Do you generally recall what year it 11:59:42AM</p> <p>17 was?</p> <p>18 MR. NOVIKOFF: Objection. 11:59:44AM</p> <p>19 A No. 11:59:45AM</p> <p>20 Q Who were the full-time police officers 11:59:45AM</p> <p>21 who were hired at Ocean Beach?</p> <p>22 A I only knew one, Paulie Trosco. 11:59:54AM</p> <p>23 Q And had he been a part-time promoted 12:00:02PM</p> <p>24 to full-time or was he hired as a full-time</p> <p>25 originally?</p>

<p style="text-align: right;">Page 121</p> <p>1 RICHARD BOSETTI</p> <p>2 A He was hired as a part-time. First he 12:00:10PM</p> <p>3 went through the Suffolk County academy. Then</p> <p>4 he was hired as a full-time.</p> <p>5 Q And do you know Officer Foti? 12:00:20PM</p> <p>6 A Foti, Foti. 12:00:24PM</p> <p>7 Q F-O-T-I? 12:00:26PM</p> <p>8 A Oh, yeah. 12:00:27PM</p> <p>9 Q Was he a full-time officer? 12:00:28PM</p> <p>10 A First he was part-time. Then I think 12:00:30PM</p> <p>11 he made -- I don't know. He was definitely</p> <p>12 part-time.</p> <p>13 Q Do you recall what years he was 12:00:39PM</p> <p>14 part-time?</p> <p>15 A No. 12:00:41PM</p> <p>16 Q And you don't recall him ever becoming 12:00:42PM</p> <p>17 full-time?</p> <p>18 A I'm not sure. 12:00:45PM</p> <p>19 Q What are the requirements to be a 12:00:51PM</p> <p>20 police officer in Ocean Beach? Sitting here</p> <p>21 today, do you know what the requirements are to</p> <p>22 be a police officer in Ocean Beach?</p> <p>23 MR. NOVIKOFF: Objection. 12:01:01PM</p> <p>24 A Well, today I know what the 12:01:01PM</p> <p>25 requirements are.</p>	<p style="text-align: right;">Page 123</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Did he tell you in person or over the 12:01:53PM</p> <p>3 phone?</p> <p>4 A I'm not sure. 12:01:55PM</p> <p>5 Q What did he say about it? 12:01:58PM</p> <p>6 A You guys might have to go through 12:02:00PM</p> <p>7 civil service to keep your job.</p> <p>8 Q He told you you might have to or you 12:02:04PM</p> <p>9 have to?</p> <p>10 A May. You might have to. Because 12:02:08PM</p> <p>11 first it was all up in the air.</p> <p>12 Q What do you mean by it was up in the 12:02:17PM</p> <p>13 air?</p> <p>14 A I just heard that I might have to take 12:02:21PM</p> <p>15 the civil service test, and I didn't know what</p> <p>16 was going on.</p> <p>17 Q At that time, did you know what was 12:02:27PM</p> <p>18 meant by the civil service test?</p> <p>19 A Once I was told about it, yes. 12:02:33PM</p> <p>20 Q I'm talking about when Paradiso told 12:02:35PM</p> <p>21 you you might have to go through civil service,</p> <p>22 did you know what that meant at the time?</p> <p>23 A Yeah. If I had to go through the 12:02:43PM</p> <p>24 whole ball of wax, I mean, I'd have to go</p> <p>25 through the psychological, the medical, the</p>
<p style="text-align: right;">Page 122</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Have the requirements changed since 12:01:04PM</p> <p>3 '02 until today?</p> <p>4 MR. NOVIKOFF: Objection. 12:01:09PM</p> <p>5 A Yes. 12:01:11PM</p> <p>6 Q Okay. So do you know what the 12:01:12PM</p> <p>7 requirements were in '02 sitting here today?</p> <p>8 A In '02, I was hired as a police 12:01:16PM</p> <p>9 officer and then a few years later they said you</p> <p>10 have to get hired -- you have to go through</p> <p>11 civil service to keep your job.</p> <p>12 Q And was it your understanding that 12:01:29PM</p> <p>13 that was a new requirement or just it was a</p> <p>14 requirement that wasn't being followed?</p> <p>15 MR. NOVIKOFF: Objection. 12:01:35PM</p> <p>16 A I thought it was a new requirement. 12:01:36PM</p> <p>17 Q How did you learn that you had to go 12:01:38PM</p> <p>18 through civil service?</p> <p>19 A I think Paradiso told me. 12:01:43PM</p> <p>20 Q When did he tell you that? 12:01:46PM</p> <p>21 A I don't remember. 12:01:49PM</p> <p>22 Q Do you recall what year it was? 12:01:49PM</p> <p>23 A No. 12:01:50PM</p> <p>24 Q Where were you when he told you that? 12:01:51PM</p> <p>25 A I don't know. 12:01:52PM</p>	<p style="text-align: right;">Page 124</p> <p>1 RICHARD BOSETTI</p> <p>2 polygraph, the physical.</p> <p>3 Q Anything else? 12:02:55PM</p> <p>4 A That was it. 12:02:56PM</p> <p>5 Q Did you have to go through a 12:02:57PM</p> <p>6 background check?</p> <p>7 MR. NOVIKOFF: Objection. 12:03:00PM</p> <p>8 A Oh, I'm sure. 12:03:01PM</p> <p>9 Q How did you learn that those tests 12:03:04PM</p> <p>10 constitute the whole ball of wax, as you put it?</p> <p>11 A When did I learn? I'm not sure. 12:03:11PM</p> <p>12 Q How did you learn that? 12:03:13PM</p> <p>13 A When I was told I have to -- when I 12:03:15PM</p> <p>14 was given, I guess it was an application form,</p> <p>15 and I had to do it all up and go through the</p> <p>16 physical.</p> <p>17 Q So you learned that after, at some 12:03:25PM</p> <p>18 point after Paradiso told you you may have to go</p> <p>19 through civil service or was it at the same</p> <p>20 time?</p> <p>21 MR. NOVIKOFF: Objection. 12:03:33PM</p> <p>22 A Say that again.. 12:03:38PM</p> <p>23 Q Did you learn that -- those battery of 12:03:39PM</p> <p>24 tests or what you would have to go through, did</p> <p>25 you learn that at the time that Paradiso told</p>

<p style="text-align: right;">Page 125</p> <p>1 RICHARD BOSETTI</p> <p>2 you that you might have to go through civil</p> <p>3 service or was it some subsequent time that you</p> <p>4 learned that?</p> <p>5 A I learned I had to take the test after 12:03:53PM</p> <p>6 Paradiso told me, and it was also made -- told</p> <p>7 that everything might be waived because we were</p> <p>8 already here.</p> <p>9 Q Who told you that? 12:04:05PM</p> <p>10 A I'm not sure. 12:04:07PM</p> <p>11 Q When did you learn that it might be 12:04:08PM</p> <p>12 waived?</p> <p>13 A I'm not sure. 12:04:10PM</p> <p>14 Q Were they waived? 12:04:14PM</p> <p>15 MR. NOVIKOFF: Objection. 12:04:17PM</p> <p>16 A No. 12:04:17PM</p> <p>17 Q Were any of them waived? 12:04:17PM</p> <p>18 A No. 12:04:19PM</p> <p>19 Q So you had to go through the full 12:04:19PM</p> <p>20 battery?</p> <p>21 A Yes, I did. 12:04:22PM</p> <p>22 Q When did you go through the full 12:04:23PM</p> <p>23 battery of tests?</p> <p>24 A A few years after I started. I guess 12:04:26PM</p> <p>25 200- -- I don't know, I'd be guessing again.</p>	<p style="text-align: right;">Page 127</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yes. 12:05:54PM</p> <p>3 Q What leads you to believe that it was 12:05:56PM</p> <p>4 a new requirement?</p> <p>5 A Because I didn't have to take any 12:06:00PM</p> <p>6 tests when I got the job.</p> <p>7 Q So no one had told you that you 12:06:06PM</p> <p>8 improperly didn't take those tests when you got</p> <p>9 the job?</p> <p>10 A No. 12:06:13PM</p> <p>11 MR. NOVIKOFF: Objection. 12:06:14PM</p> <p>12 BY MR. GOODSTADT: 12:06:14PM</p> <p>13 Q Sitting here today, do you know 12:06:15PM</p> <p>14 whether it was improper for you to be working as</p> <p>15 a police officer without taking those tests?</p> <p>16 MR. NOVIKOFF: Objection. 12:06:21PM</p> <p>17 A Sitting here today, being that I had 12:06:22PM</p> <p>18 to go through all of that, yeah.</p> <p>19 Q No, what I'm asking is: Sitting here 12:06:26PM</p> <p>20 today, are you aware one way or the other</p> <p>21 whether it was improper for you to be working in</p> <p>22 '02, '03, '04 and '05 prior to passing the test?</p> <p>23 MR. NOVIKOFF: Objection to the use of 12:06:42PM</p> <p>24 the word "improper."</p> <p>25 A Right now, I could say yeah, somebody 12:06:47PM</p>
<p style="text-align: right;">Page 126</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. GOODSTADT: Let's mark that, 12:04:45PM</p> <p>3 please..</p> <p>4 (Whereupon, Job Description was marked 12:04:46PM</p> <p>5 as R. Bosetti 2 for identification, as of</p> <p>6 this date.)</p> <p>7 MR. GOODSTADT: I've placed in front 12:05:09PM</p> <p>8 of Mr. Bosetti what's been marked as R.</p> <p>9 Bosetti Exhibit 2. It is a two-page exhibit</p> <p>10 and it's titled Police Officer</p> <p>11 Part-Time/Seasonal. (Handing.)</p> <p>12 BY MR. GOODSTADT: 12:05:26PM</p> <p>13 Q Mr. Bosetti, have you ever seen the 12:05:25PM</p> <p>14 documents marked as R. Bosetti Exhibit 2?</p> <p>15 A These documents? 12:05:30PM</p> <p>16 Q Yeah, the documents marked as R. 12:05:31PM</p> <p>17 Bosetti Exhibit 2.</p> <p>18 A No, I don't think so. 12:05:34PM</p> <p>19 Q You never saw this document? 12:05:35PM</p> <p>20 A No. 12:05:36PM</p> <p>21 Q And I believe you testified that it 12:05:44PM</p> <p>22 was your understanding that that battery of</p> <p>23 tests that you needed to take was a new</p> <p>24 requirement; is that correct?</p> <p>25 MR. NOVIKOFF: Objection. 12:05:54PM</p>	<p style="text-align: right;">Page 128</p> <p>1 RICHARD BOSETTI</p> <p>2 screwed up.</p> <p>3 Q How did you learn that somebody 12:06:53PM</p> <p>4 screwed up?</p> <p>5 A When I had to go through all of this. 12:06:56PM</p> <p>6 Q So when was the first time you learned 12:06:58PM</p> <p>7 that you should've passed those tests back in</p> <p>8 '02, prior to starting working in Ocean Beach?</p> <p>9 MR. NOVIKOFF: Note my objection. 12:07:08PM</p> <p>10 A When I first got the job, I took the 12:07:13PM</p> <p>11 job thinking that everything was the way it's</p> <p>12 supposed to, because I can go to a village</p> <p>13 upstate, get on their police force in these</p> <p>14 small towns, and it's no problem. That's the</p> <p>15 way I thought it worked there.</p> <p>16 Q I understand that. But my question 12:07:32PM</p> <p>17 is: When did you learn that you should have</p> <p>18 taken those tests before starting to work as a</p> <p>19 police officer in Ocean Beach?</p> <p>20 A That I should've taken the test? I 12:07:40PM</p> <p>21 guess when I was told to fill out the paperwork</p> <p>22 and take the test.</p> <p>23 Q I understand at that point in time you 12:07:46PM</p> <p>24 thought it was a new requirement, correct?</p> <p>25 A Yes. 12:07:51PM</p>

<p style="text-align: right;">Page 129</p> <p>1 RICHARD BOSETTI</p> <p>2 Q My question to you is: When did you 12:07:51PM</p> <p>3 learn it was not a new requirement and actually</p> <p>4 you should've taken those tests prior to</p> <p>5 starting in '02 as an officer in Ocean Beach?</p> <p>6 MR. NOVIKOFF: Note my objection 12:08:03PM</p> <p>7 again.</p> <p>8 A Yeah, probably when Paradiso said that 12:08:04PM</p> <p>9 they're not going to waive you from taking the</p> <p>10 test, you have to take the test.</p> <p>11 Q He told you that, you know, we screwed 12:08:11PM</p> <p>12 up, you really should've taken those in '02?</p> <p>13 A No, he never said we screwed up. He 12:08:15PM</p> <p>14 said we're gonna see if we can get you waived</p> <p>15 because you're a police officer, you're here.</p> <p>16 And I thought that was protocol, that's the way</p> <p>17 it's supposed to be. And now there's a new</p> <p>18 thing saying that I'm gonna have to take the</p> <p>19 test.</p> <p>20 Q I understand about the new thing. 12:08:26PM</p> <p>21 You testified before that, sitting 12:08:28PM</p> <p>22 here today, you know that somebody screwed up</p> <p>23 and you should've taken the test prior to</p> <p>24 starting, correct?</p> <p>25 MR. NOVIKOFF: Objection to the 12:08:39PM</p>	<p style="text-align: right;">Page 131</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Was it somebody in the department that 12:09:55PM</p> <p>3 told you that?</p> <p>4 A Yeah. It wasn't a boss or nothing 12:09:58PM</p> <p>5 like that.</p> <p>6 Q Do you recall who in the department 12:10:01PM</p> <p>7 told you that?</p> <p>8 A Excuse me? 12:10:04PM</p> <p>9 Q Do you recall who in the department 12:10:05PM</p> <p>10 told you that?</p> <p>11 A No. 12:10:07PM</p> <p>12 Q How many times did you hear that 12:10:08PM</p> <p>13 people from the 4 to 12 are going to be calling</p> <p>14 the civil service --</p> <p>15 A Twelve to 8 -- 12:10:17PM</p> <p>16 Q Just to go back. It was people -- you 12:10:19PM</p> <p>17 heard people from the 12 to 8 were going to</p> <p>18 call?</p> <p>19 A Yeah, the midnight. 12:10:24PM</p> <p>20 Q I'm not sure if that's what you 12:10:27PM</p> <p>21 testified to or not, but I guess the record</p> <p>22 will --</p> <p>23 MR. NOVIKOFF: No, he said 4 to 12, 12:10:30PM</p> <p>24 and I think he's now correcting himself.</p> <p>25 THE WITNESS: I'm sorry. I screwed 12:10:34PM</p>
<p style="text-align: right;">Page 130</p> <p>1 RICHARD BOSETTI</p> <p>2 characterization of his testimony. It</p> <p>3 speaks for itself.</p> <p>4 A No. I found out that I should've 12:08:42PM</p> <p>5 taken the test -- I can't answer that. I don't</p> <p>6 know. I don't know. All -- there was a time,</p> <p>7 though, that I knew I had to take the test, and</p> <p>8 I knew that I was supposed to have taken the</p> <p>9 test when someone said that people are gonna</p> <p>10 start calling up and ratting everybody out that</p> <p>11 they didn't take the civil service test. So I</p> <p>12 said fine, it might get waived anyway.</p> <p>13 Q What do you mean by you heard that 12:09:19PM</p> <p>14 people were gonna start calling up and ratting</p> <p>15 people out?</p> <p>16 A Because I was working there, they said 12:09:24PM</p> <p>17 I may have to take the civil service test. And</p> <p>18 then I heard that people on the 4 to 12s were</p> <p>19 trying to call up the Civil Service Commission</p> <p>20 to see if we were legal or not legal, so --</p> <p>21 Q How did you know that people on the 4 12:09:42PM</p> <p>22 to 12 were calling up the Civil Service</p> <p>23 Commission to find out if you were legal or not</p> <p>24 legal?</p> <p>25 A Word of mouth. I don't know who. 12:09:53PM</p>	<p style="text-align: right;">Page 132</p> <p>1 RICHARD BOSETTI</p> <p>2 up.</p> <p>3 MR. GOODSTADT: I just want to be 12:10:36PM</p> <p>4 clear for the record.</p> <p>5 THE WITNESS: I definitely screwed up. 12:10:40PM</p> <p>6 BY MR. GOODSTADT: 12:10:41PM</p> <p>7 Q Let's go back to be clear for the 12:10:41PM</p> <p>8 record.</p> <p>9 You heard that people from the 12 to 8 12:10:41PM</p> <p>10 were going to be calling civil service to rat</p> <p>11 you out; is that correct?</p> <p>12 A Yeah. To start -- to start, you know, 12:10:48PM</p> <p>13 whatever they wanted to start.</p> <p>14 Q And who on the 12 to 8 were supposedly 12:10:55PM</p> <p>15 going to be calling civil service to rat you</p> <p>16 out?</p> <p>17 A Well, I thought it would be Snyder or 12:11:02PM</p> <p>18 Lamm.</p> <p>19 Q Did you ever hear that it was Snyder 12:11:05PM</p> <p>20 or Lamm?</p> <p>21 A Excuse me? 12:11:08PM</p> <p>22 Q Did you ever hear that it was Snyder 12:11:09PM</p> <p>23 or Lamm who was going to be calling civil</p> <p>24 service to rat you out?</p> <p>25 A No. I questioned Lamm about it one 12:11:14PM</p>

Page 133

1 RICHARD BOSETTI

2 night.

3 Q What did you say to him? 12:11:18PM

4 A I said, are you calling up and trying 12:11:19PM

5 to make waves or what? And he said no, I

6 wouldn't do that.

7 Q Did you say anything in response to 12:11:25PM

8 that?

9 A He just said no, I wouldn't do that. 12:11:27PM

10 Q Did you say in response to that? 12:11:29PM

11 A I said no -- no, I don't recall if I 12:11:32PM

12 said anything in response. I don't think I did.

13 Q Did you believe him when he told you 12:11:36PM

14 no, I wouldn't do that?

15 A He acted sincere, I gotta say that. 12:11:40PM

16 Q Did you ever call him a rat? 12:11:42PM

17 A I don't recall that, no. Now, I know 12:11:46PM

18 there was writing on the walls, on the bathroom

19 walls, but it was not from me.

20 Q What do you mean, writing on the 12:11:54PM

21 bathroom walls?

22 A About Kevin, jokes and everything 12:11:57PM

23 else.

24 Q What was written about Kevin on the 12:12:01PM

25 bathroom walls?

Page 134

1 RICHARD BOSETTI

2 A I don't remember. I know there was 12:12:04PM

3 always -- there was always something.

4 Q Do you recall anything that was 12:12:07PM

5 written about Kevin on the bathroom walls?

6 A Yeah, he was like Norman Bates. 12:12:13PM

7 Q It said Kevin Lamm is like Norman 12:12:19PM

8 Bates?

9 A Yeah, I remember that. I got a 12:12:23PM

10 chuckle out of that.

11 Q What does that mean? 12:12:25PM

12 A Norman Bates is the guy from Psycho 12:12:28PM

13 that owned the hotel.

14 Q Why did you get a chuckle out of that? 12:12:33PM

15 A Because it was just -- it was true to 12:12:36PM

16 life.

17 Q Was there anything on the walls about 12:12:38PM

18 Mr. Lamm's sexual orientation?

19 A That, I don't know. 12:12:44PM

20 Q Do you recall anything on the walls 12:12:45PM

21 calling Lamm gay?

22 A That, I don't know. 12:12:48PM

23 Q Do you recall anything else that was 12:12:49PM

24 on the walls about Mr. Lamm?

25 A No. 12:12:53PM

Page 135

1 RICHARD BOSETTI

2 Q Did you ever report anything on these 12:12:53PM

3 walls about Mr. Lamm?

4 MR. NOVIKOFF: Objection. 12:12:57PM

5 A He could've reported it himself. 12:12:58PM

6 Q That wasn't the question. The 12:13:00PM

7 question was whether you ever reported it.

8 MR. NOVIKOFF: Objection. 12:13:04PM

9 A No. 12:13:05PM

10 Q Do you know who wrote on the walls 12:13:05PM

11 about Kevin Lamm?

12 A No. 12:13:07PM

13 Q Did you ever write on the walls about 12:13:08PM

14 Kevin Lamm?

15 A No. 12:13:10PM

16 Q Did you ever speak to anybody about 12:13:10PM

17 who wrote this stuff about Kevin Lamm on the

18 walls?

19 A No. 12:13:15PM

20 Q Did you ever discuss anything on the 12:13:16PM

21 walls about Kevin Lamm with any other police

22 officers at Ocean Beach?

23 A Probably, but I don't know who. I 12:13:22PM

24 don't know when.

25 Q Did you ever discuss it with 12:13:24PM

Page 136

1 RICHARD BOSETTI

2 Mr. Hesse?

3 A No. Mr. Hesse was against all of that 12:13:27PM

4 stuff. As a matter of fact, he even went into

5 the bathroom one time with a sander and started

6 sanding everything down.

7 Q How do you know he was against it? 12:13:36PM

8 Did he ever tell you he was against it?

9 A No. There was a sign on the wall that 12:13:40PM

10 said "cut this shit, 103." I think 103 was the

11 boss' shield number.

12 Q There was a sign on the wall said that 12:13:48PM

13 "cut the shit, 103"?

14 A Yeah. In other words, stop writing on 12:13:52PM

15 the wall, whoever was doing it.

16 Q When was that sign posted? 12:13:56PM

17 A I don't know. I don't know. 12:13:58PM

18 Q Did you ever speak to Hesse about that 12:13:58PM

19 sign?

20 A No. But you knew it was him. I might 12:14:01PM

21 have laughed and said you put that on the wall.

22 But I don't know if I did or if I didn't, no.

23 Q How do you know he's the one that put 12:14:08PM

24 it up there?

25 A Because it was signed "cut the shit, 12:14:09PM

Page 137

1 RICHARD BOSETTI

2 103." In other words, you know --

3 **Q Did the writing about Kevin Lamm up on 12:14:14PM**

4 **the walls cease after Mr. Hesse put this on?**

5 A I really don't know. 12:14:21PM

6 **Q I believe you testified before that 12:14:27PM**

7 **the New York City police radio codes were**

8 **different than the Suffolk County Police radio**

9 **codes; is that correct?**

10 A Yes. 12:14:38PM

11 **Q Were you ever trained in the Suffolk 12:14:38PM**

12 **County Police radio codes?**

13 A In a specialized school, no. 12:14:42PM

14 **Q Were you ever trained in an 12:14:44PM**

15 **unspecialized school?**

16 A No. Just -- you know, just picked it 12:14:48PM

17 up or I didn't use the code at all.

18 **Q Do you know what a 10/22 is? 12:15:01PM**

19 A No. I know what it is. In the city, 12:15:03PM

20 I think it was -- go ahead.

21 **Q I'm not talking about the city. I'm 12:15:10PM**

22 **talking about in Ocean Beach.**

23 A No. If you're gonna question me about 12:15:12PM

24 that, I know very little about those codes. I

25 know 10/1.

Page 138

1 RICHARD BOSETTI

2 **Q Is that the only 10 code you know? 12:15:16PM**

3 A Yeah. Like I said, I just spoke in 12:15:19PM

4 regular -- regular lingo.

5 **Q Did you think it was important to know 12:15:23PM**

6 **the police codes?**

7 A Well, I'll tell you what, I think if I 12:15:26PM

8 over the radio said there's a fight in Houser's

9 instead of waiting to say like I've got a 12223

10 over here, a fight in Houser's I think just

11 about says everything. An officer needs

12 assistance just about says everything, or I'm

13 taking my meal or I'm going for a personal.

14 **Q So what's the purpose of having radio 12:15:49PM**

15 **codes?**

16 MR. NOVIKOFF: Objection. 12:15:51PM

17 A Excuse me? 12:15:52PM

18 **Q What's the purpose of having radio 12:15:53PM**

19 **codes?**

20 A I'll be damned if I know. I've often 12:15:56PM

21 thought of that myself.

22 **Q Was there ever a point in time where 12:16:01PM**

23 **you received a radio code in Ocean Beach from**

24 **another police officer?**

25 A Yeah. 12:16:07PM

Page 139

1 RICHARD BOSETTI

2 **Q You didn't know what the radio code 12:16:12PM**

3 **was?**

4 MR. NOVIKOFF: I don't understand. 12:16:15PM

5 What was the question?

6 MR. GOODSTADT: The question was 12:16:17PM

7 whether he ever received a radio code. The

8 answer was the yes. Then I asked, since the

9 only one he knew was a 10/1, he didn't know

10 what the code was that the officers were

11 saying over the radio.

12 MR. NOVIKOFF: Objection. 12:16:27PM

13 A If they're calling me with a code and 12:16:29PM

14 I don't know what it is, I'd say, what is it.

15 **Q Did dispatchers use the radio codes? 12:16:36PM**

16 A Some did, some did it halfway. Some 12:16:40PM

17 did it all the ways.

18 **Q Every time that a radio code was used, 12:16:46PM**

19 **did you ask, what is that?**

20 A No, because I actually knew some. I 12:16:50PM

21 forgot some.

22 **Q How many did you know? 12:16:59PM**

23 A Well, I knew the important ones, like 12:17:01PM

24 if there was a fight.

25 **Q What was the 10 code for a fight? 12:17:08PM**

Page 140

1 RICHARD BOSETTI

2 A I don't know. I forgot it. Just like 12:17:10PM

3 I forgot half the NYPD codes, and I used them

4 for 20 years.

5 **Q Did you ever not respond to a radio 12:17:18PM**

6 **code?**

7 A Ever not respond to a radio code? 12:17:22PM

8 **Q Yes. 12:17:24PM**

9 A Of a very, very important nature? 12:17:25PM

10 **Q Of any nature. 12:17:28PM**

11 A No. If I ever got a job, I responded. 12:17:29PM

12 I might never have gotten there because maybe

13 another officer got there before me and took

14 care of it.

15 **Q You testified before that you didn't 12:17:39PM**

16 **ask every time that a radio code was used what**

17 **is it.**

18 MR. NOVIKOFF: Objection. 12:17:48PM

19 You can answer. 12:17:48PM

20 A If I didn't know what the code was I'd 12:17:49PM

21 just say, what is it? What's a 10/51 exactly?

22 **Q And did the officer on the other line 12:18:01PM**

23 **always respond when you asked what is it?**

24 A Sure. 12:18:06PM

25 **Q Do you know whether anyone complained 12:18:08PM**

<p style="text-align: right;">Page 141</p> <p>1 RICHARD BOSETTI</p> <p>2 to Mr. Hesse or Mr. Paradiso about the fact that</p> <p>3 you didn't learn the radio codes?</p> <p>4 A I don't think anybody ever complained 12:18:16PM</p> <p>5 about me or my brother at all to Mr. Hesse or</p> <p>6 Mr. Paradiso, and if it was, it was minimal,</p> <p>7 about anything.</p> <p>8 Q I'm not asking about anything. I'm 12:18:28PM</p> <p>9 specifically asking about the radio codes.</p> <p>10 A No. 12:18:30PM</p> <p>11 Q Were you ever made aware that anyone 12:18:30PM</p> <p>12 complained that you didn't know the radio codes?</p> <p>13 A No. 12:18:35PM</p> <p>14 Q Did anyone ever instruct you to learn 12:18:36PM</p> <p>15 the radio codes?</p> <p>16 A Mr. Hesse. He said learn these 12:18:39PM</p> <p>17 things, damn it, will you.</p> <p>18 Q And you never did, correct? 12:18:43PM</p> <p>19 A Not intentionally. It's just that I 12:18:44PM</p> <p>20 never got used to it. I guess once you got used</p> <p>21 to one code, it was hard to get into another</p> <p>22 code, at least for me.</p> <p>23 Q And other than for the conversation 12:18:59PM</p> <p>24 that you testified to before, when you</p> <p>25 confronted Mr. Lamm about whether he was calling</p>	<p style="text-align: right;">Page 143</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Was anyone else on the 12 to 8 other 12:20:11PM</p> <p>3 than the four of you?</p> <p>4 A Yeah, I think Ty Bacon was on the 12 12:20:15PM</p> <p>5 to 8.</p> <p>6 Q Did you think that he would be 12:20:18PM</p> <p>7 calling --</p> <p>8 A No, no. 12:20:20PM</p> <p>9 Q -- civil service? 12:20:21PM</p> <p>10 A Ty Bacon, he had enough just from the 12:20:23PM</p> <p>11 Halloween incident with these guys.</p> <p>12 Q What do you mean by that? 12:20:29PM</p> <p>13 A He didn't agree in the manner of which 12:20:31PM</p> <p>14 they handled that job.</p> <p>15 Q What do you mean by that? 12:20:37PM</p> <p>16 A What, with Ty Bacon? 12:20:40PM</p> <p>17 Q How do you know he didn't agree with 12:20:42PM</p> <p>18 the manner in which they handled it?</p> <p>19 A He told me. 12:20:47PM</p> <p>20 Q He told you? Was Ty Bacon at the 12:20:47PM</p> <p>21 Halloween incident?</p> <p>22 A No. 12:20:51PM</p> <p>23 Q Did Ty Bacon get involved in the 12:20:51PM</p> <p>24 investigation of the Halloween incident?</p> <p>25 A No. 12:20:56PM</p>
<p style="text-align: right;">Page 142</p> <p>1 RICHARD BOSETTI</p> <p>2 civil service, did you have any other</p> <p>3 discussions with Mr. Lamm about calling civil</p> <p>4 service to rat you out?</p> <p>5 MR. NOVIKOFF: Objection. I think he 12:19:16PM</p> <p>6 said Snyder, but I'm not sure.</p> <p>7 THE WITNESS: No, I talked to Lamm. 12:19:20PM</p> <p>8 MR. NOVIKOFF: Then I apologize. 12:19:22PM</p> <p>9 BY MR. GOODSTADT: 12:19:24PM</p> <p>10 Q Other than that one conversation with 12:19:25PM</p> <p>11 Lamm, did you ever speak to Lamm on any other</p> <p>12 occasion about the issue of him calling civil</p> <p>13 service to rat you out?</p> <p>14 A Don't recall. I don't think so. 12:19:34PM</p> <p>15 Q Did you ever speak with -- strike 12:19:40PM</p> <p>16 that.</p> <p>17 Well, who else on the 12 to 8 did you 12:19:44PM</p> <p>18 think was going to be calling civil service to</p> <p>19 rat you out?</p> <p>20 A Carter. 12:19:55PM</p> <p>21 Q So now it's Snyder, Lamm and Carter 12:19:58PM</p> <p>22 you thought were the three?</p> <p>23 A Snyder, Lamm, Carter, yeah. I don't 12:20:03PM</p> <p>24 know if Nofi would do that, as nutty as that guy</p> <p>25 is.</p>	<p style="text-align: right;">Page 144</p> <p>1 RICHARD BOSETTI</p> <p>2 Q What was the basis of him telling you 12:20:57PM</p> <p>3 that he didn't think they handled it the right</p> <p>4 way?</p> <p>5 A I guess he read the reports. 12:21:02PM</p> <p>6 Q Did he tell you how he thinks they 12:21:03PM</p> <p>7 should've handled it?</p> <p>8 A Excuse me? 12:21:07PM</p> <p>9 Q Did he tell you how he thought they 12:21:08PM</p> <p>10 should've handled it?</p> <p>11 A I don't know, no. 12:21:11PM</p> <p>12 Q Did he tell you what he thought they 12:21:12PM</p> <p>13 did wrong?</p> <p>14 A No. 12:21:15PM</p> <p>15 Q He just generally told you -- 12:21:16PM</p> <p>16 A Yeah. Like, you know, how they 12:21:18PM</p> <p>17 handled it. I can't go in specific words</p> <p>18 exactly and tell you exactly what he said,</p> <p>19 because that would be putting -- you know, I</p> <p>20 don't remember. But he was very, very pissed</p> <p>21 about cops doing that to other cops.</p> <p>22 Q What do you mean by that, cops doing 12:21:40PM</p> <p>23 that to other cops?</p> <p>24 A Because they dislike you and because 12:21:43PM</p> <p>25 the people in town like you, they shouldn't</p>

<p style="text-align: right;">Page 145</p> <p>1 RICHARD BOSETTI</p> <p>2 falsify records to try to get you locked up or</p> <p>3 fired.</p> <p>4 Q So he told you that? 12:21:53PM</p> <p>5 A No. That's what he was probably 12:21:54PM</p> <p>6 pissed off about.</p> <p>7 Q Did he tell you he was pissed off? 12:21:58PM</p> <p>8 A Yeah. 12:22:00PM</p> <p>9 Q Did he call them rats? 12:22:00PM</p> <p>10 A No, that ain't being a rat. It's 12:22:05PM</p> <p>11 being -- what would you call it? I don't know.</p> <p>12 It's not being an honest cop.</p> <p>13 Q Did you ever confront Snyder about 12:22:26PM</p> <p>14 your belief that he was going to call civil</p> <p>15 service to rat you out?</p> <p>16 MR. NOVIKOFF: Objection. 12:22:33PM</p> <p>17 A If I did, I don't recall. 12:22:33PM</p> <p>18 Q Did you ever confront Carter about 12:22:35PM</p> <p>19 your belief that he was going to call civil</p> <p>20 service to rat you out?</p> <p>21 A If I did, I don't recall. 12:22:41PM</p> <p>22 Q Do you know whether any of them 12:22:42PM</p> <p>23 actually called civil service?</p> <p>24 A I don't know. 12:22:46PM</p> <p>25 Q How did you -- strike that. 12:22:48PM</p>	<p style="text-align: right;">Page 147</p> <p>1 RICHARD BOSETTI</p> <p>2 A Uh-huh. 12:23:56PM</p> <p>3 Q So during those four seasons, you were 12:23:57PM</p> <p>4 a civilian, correct?</p> <p>5 MR. NOVIKOFF: Objection. 12:24:01PM</p> <p>6 A Four seasons? 12:24:02PM</p> <p>7 Q '02 season, '03 season, '04 season and 12:24:02PM</p> <p>8 '05 season.</p> <p>9 A I was a civilian? 12:24:09PM</p> <p>10 MR. NOVIKOFF: Objection. 12:24:10PM</p> <p>11 BY MR. GOODSTADT: 12:24:10PM</p> <p>12 Q That's my question. Correct? 12:24:10PM</p> <p>13 A No. 12:24:10PM</p> <p>14 Q What were you? 12:24:12PM</p> <p>15 A I was a police officer. 12:24:13PM</p> <p>16 Q Police officer for Ocean Beach? 12:24:15PM</p> <p>17 A Yes. 12:24:18PM</p> <p>18 Q Without passing the certification 12:24:18PM</p> <p>19 test?</p> <p>20 A I took the oath. 12:24:18PM</p> <p>21 Q That wasn't the question. The 12:24:18PM</p> <p>22 question was, sitting here today, is it your</p> <p>23 testimony that you were a police officer in '02,</p> <p>24 '03, '04 and '05, prior to passing the battery</p> <p>25 of tests --</p>
<p style="text-align: right;">Page 146</p> <p>1 RICHARD BOSETTI</p> <p>2 How did you first learn that -- this 12:22:52PM</p> <p>3 theory that cops on the 12 to 8 were going to</p> <p>4 call civil service to rat you out?</p> <p>5 A Because the cops on the 12 to 8 did 12:23:01PM</p> <p>6 not like me and my brother.</p> <p>7 Q Were you and your brother the only 12:23:06PM</p> <p>8 ones that were affected by the civil service</p> <p>9 test?</p> <p>10 A I don't know. No, Ty Bacon was. I 12:23:22PM</p> <p>11 think Ty Bacon was too.</p> <p>12 Q Anyone else? 12:23:27PM</p> <p>13 A I don't know. 12:23:34PM</p> <p>14 Q How about Pat Cherry, was he affected 12:23:34PM</p> <p>15 by that?</p> <p>16 A Oh, yeah, he was. 12:23:37PM</p> <p>17 Q So he wasn't certified either, 12:23:38PM</p> <p>18 correct?</p> <p>19 MR. NOVIKOFF: Objection. 12:23:42PM</p> <p>20 A I didn't know about the certification 12:23:43PM</p> <p>21 until I found out that he had to take it over,</p> <p>22 so you can't ask me about --</p> <p>23 Q So sitting here today, you know that 12:23:50PM</p> <p>24 you were not certified in '02, '03, '04 and '05,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 148</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Objection. Asked and 12:24:33PM</p> <p>3 answered. Argumentative.</p> <p>4 You can answer. 12:24:35PM</p> <p>5 A Yes, I was. 12:24:37PM</p> <p>6 Q What is the basis of that belief? 12:24:40PM</p> <p>7 Because you took an oath?</p> <p>8 MR. NOVIKOFF: Objection. 12:24:44PM</p> <p>9 A I was hired as a police officer. I 12:24:44PM</p> <p>10 qualified with my handguns with the Suffolk</p> <p>11 County Police Department every year.</p> <p>12 Q Did you have a permit for your 12:24:53PM</p> <p>13 handgun?</p> <p>14 A I have a permit for my handgun -- I 12:24:56PM</p> <p>15 had to get one after I retired from the NYPD.</p> <p>16 Q Did you get one after you retired from 12:25:04PM</p> <p>17 the NYPD?</p> <p>18 A Of course. 12:25:08PM</p> <p>19 Q Who went with you to the firing range 12:25:08PM</p> <p>20 to get your certification from Suffolk County?</p> <p>21 A George and a bunch of other guys. 12:25:15PM</p> <p>22 Q Anyone else that you can remember? 12:25:20PM</p> <p>23 A No. 12:25:23PM</p> <p>24 Q What county was your permit from? 12:25:24PM</p> <p>25 A My permit is for Nassau County. 12:25:27PM</p>

<p style="text-align: right;">Page 149</p> <p>1 RICHARD BOSETTI</p> <p>2 Q So if you have a Nassau County permit, 12:25:30PM</p> <p>3 is that effective in Suffolk County?</p> <p>4 A Of course. All over the state. 12:25:34PM</p> <p>5 Q And when you went to the shooting 12:25:38PM</p> <p>6 range, did you show your pistol permit?</p> <p>7 A Didn't have to. I had a police ID. 12:25:43PM</p> <p>8 Q Other than for Snyder, Lamm and 12:25:55PM</p> <p>9 Carter, was there anyone else on the 12 to 8</p> <p>10 tour that you thought was going to call civil</p> <p>11 service to rat you out?</p> <p>12 MR. NOVIKOFF: Objection. 12:26:06PM</p> <p>13 A No. 12:26:10PM</p> <p>14 Q And you don't recall who told you 12:26:12PM</p> <p>15 about that?</p> <p>16 A No. 12:26:14PM</p> <p>17 Q Do you recall discussing it with 12:26:15PM</p> <p>18 anyone else?</p> <p>19 MR. NOVIKOFF: I'm sorry, what was 12:26:17PM</p> <p>20 that?</p> <p>21 BY MR. GOODSTADT: 12:26:18PM</p> <p>22 Q Do you recall discussing that issue 12:26:19PM</p> <p>23 with anyone else, that these three officers or</p> <p>24 at least officers from the 12 to 8 were going to</p> <p>25 call civil service to rat you out?</p>	<p style="text-align: right;">Page 151</p> <p>1 RICHARD BOSETTI</p> <p>2 A Well, months. 12:27:30PM</p> <p>3 Q Do you recall when you took the lie 12:27:34PM</p> <p>4 detector test?</p> <p>5 A I can't remember what year exactly. 12:27:39PM</p> <p>6 Q Do you recall what year you learned 12:27:40PM</p> <p>7 that you had to take these tests?</p> <p>8 A No, I'd be guessing. 12:27:49PM</p> <p>9 Q Prior to Paradiso telling you, had you 12:27:50PM</p> <p>10 heard from anywhere else that you'd have to take</p> <p>11 these tests?</p> <p>12 A Probably George Hesse. 12:27:57PM</p> <p>13 Q When did he tell you? 12:27:58PM</p> <p>14 A I don't know. 12:27:59PM</p> <p>15 Q Do you recall what he told you about 12:28:00PM</p> <p>16 these tests?</p> <p>17 A No. 12:28:02PM</p> <p>18 Q Do you recall him actually telling you 12:28:04PM</p> <p>19 that you had to take the tests?</p> <p>20 MR. NOVIKOFF: Objection. 12:28:08PM</p> <p>21 A No. 12:28:09PM</p> <p>22 Q Do you recall where you were when he 12:28:09PM</p> <p>23 told you that you had to take the tests?</p> <p>24 A No. 12:28:12PM</p> <p>25 Q Did you ever fail any of those tests 12:28:15PM</p>
<p style="text-align: right;">Page 150</p> <p>1 RICHARD BOSETTI</p> <p>2 A I'm gonna say I probably did, but I 12:26:27PM</p> <p>3 don't remember with who.</p> <p>4 Q Did you ever discuss it with Hesse? 12:26:30PM</p> <p>5 A No. 12:26:31PM</p> <p>6 Q Did you ever discuss it with your 12:26:32PM</p> <p>7 brother?</p> <p>8 A Yeah. 12:26:34PM</p> <p>9 Q When did you discuss it with your 12:26:34PM</p> <p>10 brother?</p> <p>11 A I don't know. 12:26:36PM</p> <p>12 Q What was the substance of your 12:26:37PM</p> <p>13 discussions with your brother about that issue?</p> <p>14 A That we have to take the tests over. 12:26:41PM</p> <p>15 Q Were you upset that you had to take 12:26:47PM</p> <p>16 the test over?</p> <p>17 A Well, I shouldn't say take it over. 12:26:49PM</p> <p>18 We never took it. We had to -- yeah.</p> <p>19 Q How long after you were told you had 12:27:04PM</p> <p>20 to take the tests did you actually take them?</p> <p>21 A The last thing I took was the lie 12:27:14PM</p> <p>22 detector test, and that was a long time after</p> <p>23 the physical, I think.</p> <p>24 Q When you say a long time, are you 12:27:26PM</p> <p>25 talking about weeks, months, years?</p>	<p style="text-align: right;">Page 152</p> <p>1 RICHARD BOSETTI</p> <p>2 that you took?</p> <p>3 A Uh-huh. No. 12:28:19PM</p> <p>4 Q Do you recall when you took the first 12:28:25PM</p> <p>5 of those tests?</p> <p>6 A I don't know if it was the medical or 12:28:29PM</p> <p>7 the physical.</p> <p>8 Q Do you recall when you took the first 12:28:34PM</p> <p>9 test?</p> <p>10 A No. 12:28:36PM</p> <p>11 Q Do you recall, was it on the season or 12:28:36PM</p> <p>12 off season?</p> <p>13 A I think it was off season. It was a 12:28:42PM</p> <p>14 little chilly. It might have been off season.</p> <p>15 Q Was it prior to an upcoming season or 12:28:47PM</p> <p>16 just past, the season had passed?</p> <p>17 A I don't recall. 12:28:50PM</p> <p>18 Q You don't recall what season it was? 12:28:51PM</p> <p>19 A No. 12:28:53PM</p> <p>20 Q Where did you go to take that test? 12:28:54PM</p> <p>21 A Out in Suffolk County. I guess it's 12:28:59PM</p> <p>22 wherever they do it, the Suffolk County Police</p> <p>23 Academy maybe.</p> <p>24 Q How about the psychological, where did 12:29:05PM</p> <p>25 you take that?</p>

Page 153

1 **RICHARD BOSETTI**

2 A I don't recall. 12:29:09PM

3 **Q Did you also take a physical agility 12:29:11PM**

4 **test?**

5 A Yeah. That was -- the physical 12:29:14PM

6 agility test was the -- yeah.

7 **Q That's different than the medical and 12:29:19PM**

8 **psychological, right?**

9 A It's different from what? 12:29:22PM

10 **Q A medical and psychological, correct? 12:29:23PM**

11 A Yeah. The medical, psychological, the 12:29:25PM

12 physical agility and the lie detector test.

13 **Q When did you take the physical agility 12:29:30PM**

14 **test?**

15 A I don't recall. 12:29:32PM

16 **Q Do you recall where you took that 12:29:33PM**

17 **test?**

18 A Suffolk County Police Academy. 12:29:34PM

19 **Q If I represent to you that you took 12:29:41PM**

20 **the polygraph in October of 2005, does that give**

21 **you any basis to know when you took the tests,**

22 **the others tests prior --**

23 MR. NOVIKOFF: Objection. 12:29:55PM

24 A Yeah, that was before then. 12:29:56PM

25 **Q How long before then? 12:29:57PM**

Page 154

1 **RICHARD BOSETTI**

2 A I don't know. 12:29:59PM

3 **Q Was it '05? 12:29:59PM**

4 A Probably. 12:30:00PM

5 **Q And does that give you a time frame as 12:30:01PM**

6 **to when you first learned that you needed to**

7 **take the tests?**

8 A No, I don't know. 12:30:14PM

9 **Q Did you ever speak to Ty Bacon about 12:30:18PM**

10 **the requirement that you had to take the tests?**

11 A Probably. 12:30:22PM

12 **Q Was he upset that he had to take these 12:30:23PM**

13 **tests?**

14 A Ty Bacon? 12:30:26PM

15 **Q Yeah. 12:30:28PM**

16 A Yes. 12:30:28PM

17 **Q Did you discuss with him the fact that 12:30:29PM**

18 **some guys from the 12 to 8 were going to call**

19 **civil service and rat you out?**

20 MR. NOVIKOFF: Objection. 12:30:36PM

21 A No, I don't recall that. 12:30:36PM

22 **Q Do you know how the village first 12:30:37PM**

23 **became aware that you guys hadn't taken those**

24 **tests?**

25 A Don't know. Probably someone ratted 12:30:45PM

Page 155

1 **RICHARD BOSETTI**

2 us out.

3 **Q Do you know who ratted you out? 12:30:48PM**

4 A No, I don't know. 12:30:50PM

5 **Q Do you recall what your starting 12:30:57PM**

6 **salary was at Ocean Beach?**

7 A I think it was \$16. 12:31:01PM

8 **Q And did you receive raises every year? 12:31:03PM**

9 A Yeah. The first raise was a big one. 12:31:06PM

10 I think it went to 18.

11 **Q So for '02, '03 it was 16. In '03 it 12:31:12PM**

12 **was 18?**

13 A Yeah, I think a couple of months after 12:31:17PM

14 I was hired it went to 18.

15 **Q How about after that, did you receive 12:31:21PM**

16 **any raises?**

17 A After that, it was 50 cents, a dollar 12:31:25PM

18 there.

19 **Q Did you receive a raise every year? 12:31:27PM**

20 A Yeah, when the village voted on it, I 12:31:29PM

21 guess.

22 **Q Were you actually aware that those 12:31:32PM**

23 **voted on giving you a raise?**

24 A Well, you have to if it concerns 12:31:36PM

25 money, right?

Page 156

1 **RICHARD BOSETTI**

2 **Q I'm asking if you're actually aware of 12:31:39PM**

3 **a vote passing.**

4 A No, I'm not aware. 12:31:43PM

5 **Q Did you ever attend a village board or 12:31:45PM**

6 **trustee meeting?**

7 A No. I might have walked through it 12:31:48PM

8 once or twice, but that's it.

9 **Q You never stayed for it? 12:31:51PM**

10 A No. 12:31:53PM

11 MR. GOODSTADT: Just mark that, 12:31:53PM

12 please.

13 (Whereupon, Bates document 006087 was 12:31:55PM

14 marked as R. Bosetti 3 for identification,

15 as of this date.)

16 MR. GOODSTADT: I've placed in front 12:32:13PM

17 of Mr. Bosetti as what's been marked as R.

18 Bosetti Exhibit 3. It is a one-page

19 exhibit, bearing Bates Number 6087.

20 (Handing.)

21 BY MR. GOODSTADT: 12:32:29PM

22 **Q Mr. Bosetti, if you look on top, it 12:32:29PM**

23 **says "employee name," and it says "Richard**

24 **Bosetti," and there's an employee number, 720.**

25 **Do you see that? 12:32:34PM**

Page 157	Page 159
<p>1 RICHARD BOSETTI</p> <p>2 A Yes. 12:32:35PM</p> <p>3 Q Do you know what that means, 720? 12:32:35PM</p> <p>4 A Probably has to do with pay. I don't 12:32:38PM</p> <p>5 know. Payroll number..</p> <p>6 Q What was your shield number at Ocean 12:32:42PM</p> <p>7 Beach?</p> <p>8 A 410. 12:32:44PM</p> <p>9 Q And if you look down at the list of -- 12:32:49PM</p> <p>10 in the box there, it says the dates 4-12-02 to</p> <p>11 5-31-03.</p> <p>12 A Uh-huh. 12:33:00PM</p> <p>13 Q Then position classification, police 12:33:01PM</p> <p>14 officer, and then amount per hour.</p> <p>15 Do you see that? 12:33:04PM</p> <p>16 A Yeah. 12:33:05PM</p> <p>17 Q Are those numbers accurate? 12:33:05PM</p> <p>18 A Yeah, I was pretty good at guessing it 12:33:09PM</p> <p>19 when I told you.</p> <p>20 Q So in '02, you were paid as a police 12:33:15PM</p> <p>21 officer, \$16 an hour?</p> <p>22 A Yes. 12:33:19PM</p> <p>23 Q In '03, you were paid as a police 12:33:20PM</p> <p>24 officer at \$18 an hour?</p> <p>25 A No, wait. You got that wrong. It 12:33:27PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Looks like '04, '05 and '06. 12:34:17PM</p> <p>3 Q So the village was going through 12:34:21PM</p> <p>4 budget cuts, but you're still getting raises?</p> <p>5 MR.. NOVIKOFF: Objection. 12:34:25PM</p> <p>6 A Did you see my raises for a police 12:34:26PM</p> <p>7 officer?</p> <p>8 Q I do see that. 12:34:28PM</p> <p>9 A That's a bargain. 12:34:30PM</p> <p>10 Q Did you ever hear that they were going 12:34:31PM</p> <p>11 through budget cuts or are you just assuming</p> <p>12 that based on your raises?</p> <p>13 MR. NOVIKOFF: Objection. 12:34:38PM</p> <p>14 A Well, when we used to get these 12:34:39PM</p> <p>15 itty-bitty raises, we said what the hell's going</p> <p>16 on here? They said, well, whatever the reason</p> <p>17 was. I don't remember the word budget cuts,</p> <p>18 but --</p> <p>19 Q You don't recall ever being told it 12:34:49PM</p> <p>20 was due to budget cuts?</p> <p>21 A I don't remember those words exactly. 12:34:52PM</p> <p>22 Q Where did you take the polygraph? 12:35:13PM</p> <p>23 A I don't know, but -- I don't know. I 12:35:15PM</p> <p>24 can't guess..</p> <p>25 Q Do you know who administered the 12:35:18PM</p>
Page 158	Page 160
<p>1 RICHARD BOSETTI</p> <p>2 says 5-31-03 on the top there. Oh, right, '02,</p> <p>3 5-31. Okay. All right.</p> <p>4 Q Then the '03 to '04 dates you were 12:33:32PM</p> <p>5 paid 18.63 as a police officer?</p> <p>6 A Yes. 12:33:38PM</p> <p>7 Q And then 6-1-04 to 5-31-05, you were 12:33:38PM</p> <p>8 paid \$19.28 as a police officer; is that</p> <p>9 correct?</p> <p>10 A If this is accurate, that's what I 12:33:45PM</p> <p>11 got.</p> <p>12 Q And prior to 5-31-05, you hadn't 12:33:47PM</p> <p>13 passed the battery of tests, correct?</p> <p>14 MR. NOVIKOFF: Objection. 12:33:54PM</p> <p>15 A I don't know. I don't know. 12:33:55PM</p> <p>16 Q Did you ever hear that the village was 12:33:59PM</p> <p>17 going through budget cuts?</p> <p>18 MR. NOVIKOFF: Objection. Time 12:34:04PM</p> <p>19 period?</p> <p>20 MR. GOODSTADT: Any time. 12:34:06PM</p> <p>21 A Looking at these raises, I would say 12:34:07PM</p> <p>22 yeah.</p> <p>23 Q When did the village go through budget 12:34:12PM</p> <p>24 cuts?</p> <p>25 MR. NOVIKOFF: Objection. 12:34:16PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 polygraph?</p> <p>3 A I don't know the gentleman's name, no. 12:35:20PM</p> <p>4 Q Do you know what department or -- do 12:35:22PM</p> <p>5 you know what department administered the test</p> <p>6 or what agency administered the test?</p> <p>7 A No, probably the police academy. 12:35:41PM</p> <p>8 Q Did you fill out a questionnaire prior 12:35:43PM</p> <p>9 to taking the test?</p> <p>10 A Probably. 12:35:51PM</p> <p>11 Q And those are pre-polygraph questions 12:35:52PM</p> <p>12 that you answered?</p> <p>13 A Yes. 12:35:57PM</p> <p>14 Q Had you ever seen the pre-polygraph 12:35:57PM</p> <p>15 questions prior to actually filling them out?</p> <p>16 A No. 12:36:01PM</p> <p>17 Q You never went into Frank Fiorillo's 12:36:02PM</p> <p>18 personnel jacket in the station to take a look</p> <p>19 at the pre-polygraph questions?</p> <p>20 A Yeah, I robbed his house too. No. 12:36:10PM</p> <p>21 MR. NOVIKOFF: Let the record reflect 12:36:13PM</p> <p>22 I believe the witness was being sarcastic.</p> <p>23 We'll let the video speak for itself.</p> <p>24 BY MR. GOODSTADT: 12:36:19PM</p> <p>25 Q No one ever showed you what the 12:36:20PM</p>

Page 161

1 **RICHARD BOSETTI**

2 pre-polygraph questions looked like prior to you

3 actually filling them out?

4 A No. 12:36:27PM

5 Q Ed Carter never assisted in getting a 12:36:32PM

6 copy of those questions from members of the

7 Quogue Police Department?

8 MR. NOVIKOFF: Objection. 12:36:40PM

9 A To do me a favor? 12:36:41PM

10 Q I don't know if it's to do you a favor 12:36:43PM

11 or he just got them for the people who had to

12 take the test?

13 A No. 12:36:48PM

14 Q Did you fill out any other paperwork 12:36:49PM

15 prior to taking the polygraph in connection with

16 your taking the polygraph, other than for the

17 pre-questionnaire?

18 A I don't recall. 12:37:01PM

19 Q How long did the polygraph test take? 12:37:05PM

20 A A couple of hours. 12:37:08PM

21 Q Why did you wait months between taking 12:37:18PM

22 the other tests and the polygraph?

23 MR. NOVIKOFF: Objection. 12:37:26PM

24 A I had no say. 12:37:26PM

25 Q What do you mean? 12:37:27PM

Page 162

1 **RICHARD BOSETTI**

2 A They scheduled it, I took it. 12:37:28PM

3 Q Who scheduled it? 12:37:30PM

4 A I don't know. 12:37:31PM

5 Q Who told you the date that you were 12:37:36PM

6 taking it?

7 A I don't know. 12:37:39PM

8 Q Was Arnold Hardman required to take it 12:37:43PM

9 at the same time?

10 MR. NOVIKOFF: Objection. 12:37:48PM

11 A No, I took it by myself. 12:37:48PM

12 Q But I know you testified, thought, at 12:37:51PM

13 the same time it affected you, your brother, Ty

14 Bacon. Do you know whether it affected Arnold

15 Hardman?

16 MR. NOVIKOFF: Objection. 12:38:01PM

17 A I don't know. 12:38:01PM

18 Q Do you know whether you went through a 12:38:17PM

19 background investigation at that time as well?

20 MR. NOVIKOFF: Objection. 12:38:20PM

21 A Who? 12:38:21PM

22 Q You. 12:38:22PM

23 A Did I go through a background 12:38:23PM

24 investigation?

25 Q Yes. 12:38:26PM

Page 163

1 **RICHARD BOSETTI**

2 A I must have. I filled out paperwork. 12:38:29PM

3 Q For a background check at that time? 12:38:32PM

4 A Yeah, whatever the academy gave us to 12:38:33PM

5 fill out.

6 Q How did you actually get a copy of the 12:38:52PM

7 paperwork that you had to fill out?

8 A I don't remember. 12:38:56PM

9 Q You don't recall whether Hesse gave it 12:39:00PM

10 to you?

11 A No. 12:39:03PM

12 Q He didn't give it to you or you don't 12:39:03PM

13 recall?

14 A I don't recall, I'm sorry. 12:39:06PM

15 MR. GOODSTADT: Can you mark that, 12:39:12PM

16 please.

17 (Whereupon, Bates document 8221-8240 12:39:14PM

18 was marked as R. Bosetti 4 for

19 identification, as of this date.)

20 THE WITNESS: Is it okay if I use the 12:39:48PM

21 bathroom?

22 MR. GOODSTADT: Sure. Do you want to 12:39:52PM

23 take a break?

24 THE VIDEOGRAPHER: The time is 12:40. 12:39:55PM

25 We're going off the record.

Page 164

1 **RICHARD BOSETTI**

2 (Whereupon, a discussion was held off 12:39:58PM

3 the record.)

4 MR. GOODSTADT: Can I see the last 12:48:22PM

5 couple of questions.

6 (Whereupon, the referred to portion 12:48:47PM

7 was read back by the court reporter.)

8 THE VIDEOGRAPHER: The time is 12:50. 12:49:04PM

9 We are back on the record.

10 MR. GOODSTADT: I've placed in front 12:49:10PM

11 of Mr. Bosetti what's now been marked as R.

12 Bosetti Exhibit 4. It is a multiple-page

13 exhibit, bearing 8221 through 8240.

14 (Handing.)

15 BY MR. GOODSTADT: 12:49:23PM

16 Q Mr. Bosetti, do you recognize the 12:49:23PM

17 documents that have now been marked as R.

18 Bosetti Exhibit 4?

19 A Yes. 12:49:28PM

20 Q What is this? 12:49:29PM

21 A Excuse me? 12:49:31PM

22 Q What is this document? 12:49:31PM

23 A This document here is my brother's 12:49:33PM

24 application to the Village of Ocean Beach Police

25 Department.

Page 165	Page 167
<p>1 RICHARD BOSETTI</p> <p>2 Q Did you fill one out similar to this? 12:49:42PM</p> <p>3 A I don't know. 12:49:45PM</p> <p>4 Q You don't recall one way or the other? 12:49:46PM</p> <p>5 A I don't recall. 12:49:50PM</p> <p>6 Q Now, if you look at on the first page 12:49:52PM</p> <p>7 three lines down, where it references that the</p> <p>8 information has to be returned to the Ocean</p> <p>9 Beach Police Department applicant investigation</p> <p>10 section.</p> <p>11 Do you see that? 12:50:05PM</p> <p>12 A Mm-hmm. Yes, I do. 12:50:06PM</p> <p>13 Q Do you know what the Ocean Beach 12:50:08PM</p> <p>14 Police Department Applicant Investigation</p> <p>15 Section is?</p> <p>16 A No. 12:50:14PM</p> <p>17 Q Do you recall ever having to hand any 12:50:14PM</p> <p>18 paperwork to that section?</p> <p>19 A No. 12:50:19PM</p> <p>20 Q So you don't know who was in charge of 12:50:20PM</p> <p>21 that section, correct?</p> <p>22 A Correct. 12:50:23PM</p> <p>23 Q Do you know whether George Hesse 12:50:33PM</p> <p>24 performed the background checks?</p> <p>25 A Yes, I think so. 12:50:36PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q What paperwork did you give him? 12:51:17PM</p> <p>3 A Forms and stuff, background check 12:51:20PM</p> <p>4 forms.</p> <p>5 Q Do you remember if the background 12:51:24PM</p> <p>6 check forms that you gave him were similar to</p> <p>7 the forms that are marked in -- that were marked</p> <p>8 as R. Bosetti Exhibit 4?</p> <p>9 A Are they similar to these? 12:51:34PM</p> <p>10 Q Yes. 12:51:36PM</p> <p>11 A They must have been, I guess. 12:51:37PM</p> <p>12 Q Do you know what Mr. Hesse did with 12:51:38PM</p> <p>13 these documents after you gave them to him?</p> <p>14 A No. 12:51:43PM</p> <p>15 Q And other than for R. Bosetti Exhibit 12:51:44PM</p> <p>16 4, do you recall any other paperwork that you</p> <p>17 gave to Hesse to perform background a check?</p> <p>18 A No. 12:51:52PM</p> <p>19 Q Do you know whether Hesse performed 12:51:55PM</p> <p>20 any other tests other than the background test</p> <p>21 on you?</p> <p>22 A No. 12:52:02PM</p> <p>23 Q You don't know or he didn't perform 12:52:04PM</p> <p>24 any?</p> <p>25 A No, he didn't. I don't know. 12:52:07PM</p>
Page 166	Page 168
<p>1 RICHARD BOSETTI</p> <p>2 Q He did? 12:50:37PM</p> <p>3 A Yes. 12:50:38PM</p> <p>4 Q Do you know who gave him authority to 12:50:38PM</p> <p>5 do that?</p> <p>6 A No. 12:50:41PM</p> <p>7 Q Do you know whether he's trained in 12:50:42PM</p> <p>8 performing background checks?</p> <p>9 MR. NOVIKOFF: Objection. 12:50:47PM</p> <p>10 MR. CONNOLLY: Objection. 12:50:49PM</p> <p>11 A I don't know. 12:50:50PM</p> <p>12 Q Do you know who else assisted him, if 12:50:51PM</p> <p>13 anyone, in doing the background checks?</p> <p>14 A No. 12:50:56PM</p> <p>15 Q Do you know what he did to perform the 12:50:58PM</p> <p>16 background checks?</p> <p>17 A No. 12:51:01PM</p> <p>18 Q Did he perform the background check on 12:51:03PM</p> <p>19 you that was required by civil service?</p> <p>20 A I don't know. 12:51:08PM</p> <p>21 MR. NOVIKOFF: Objection. 12:51:09PM</p> <p>22 Q So how do you know that he was 12:51:10PM</p> <p>23 performing the background checks?</p> <p>24 MR. NOVIKOFF: Objection. 12:51:13PM</p> <p>25 A Because we gave him the paperwork. 12:51:14PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q He wasn't present at your physical 12:52:08PM</p> <p>3 agility or psychological or medical evaluation,</p> <p>4 was he?</p> <p>5 A Chief Paradiso was at my physical 12:52:19PM</p> <p>6 agility. George Hesse was at my polygraph.</p> <p>7 Q He was actually in the room when you 12:52:30PM</p> <p>8 took your polygraph exam?</p> <p>9 A No, no. I don't know where he was. I 12:52:32PM</p> <p>10 have no idea where he was.</p> <p>11 Q You went with him to the polygraph? 12:52:35PM</p> <p>12 A Yes. 12:52:37PM</p> <p>13 Q Who else did you go with? 12:52:42PM</p> <p>14 A That's it. Just me. 12:52:44PM</p> <p>15 Q You testified before that you had a 12:52:45PM</p> <p>16 Nassau County pistol permit; is that correct?</p> <p>17 A Yes. 12:52:51PM</p> <p>18 Q What category permit was that? 12:52:51PM</p> <p>19 A Full carry. 12:52:54PM</p> <p>20 Q Full carry. And what does that mean, 12:52:55PM</p> <p>21 full carry permit?</p> <p>22 A I could carry it on my body anywhere 12:52:59PM</p> <p>23 in the state of New York.</p> <p>24 Q When did you obtain that permit? 12:53:06PM</p> <p>25 A I obtained that particular permit in 12:53:09PM</p>

<p style="text-align: right;">Page 169</p> <p>1 RICHARD BOSETTI</p> <p>2 probably February of '02.</p> <p>3 Q So shortly after you retired from the 12:53:18PM</p> <p>4 city?</p> <p>5 A Yes. 12:53:21PM</p> <p>6 Q Do you know who at Ocean Beach was 12:53:30PM</p> <p>7 charged with the responsibility of monitoring</p> <p>8 that you guys took and passed these tests?</p> <p>9 MR. NOVIKOFF: Objection. 12:53:40PM</p> <p>10 A I thought Suffolk County was, Suffolk 12:53:41PM</p> <p>11 County Police Department.</p> <p>12 Q Was there anyone in Ocean Beach that 12:53:47PM</p> <p>13 was coordinating the effort to make sure that</p> <p>14 you guys passed all the required tests for</p> <p>15 certification?</p> <p>16 MR. NOVIKOFF: Objection. Foundation. 12:53:54PM</p> <p>17 A Suffolk County gave the tests and 12:53:56PM</p> <p>18 they're the ones that passed us.</p> <p>19 Q Did someone from Ocean Beach tell you 12:53:59PM</p> <p>20 the dates or did you learn that straight from</p> <p>21 the county?</p> <p>22 A I don't know where I got that. I 12:54:04PM</p> <p>23 don't know if I got it in the mail. I have no</p> <p>24 idea.</p> <p>25 Q Did you ever speak to -- strike that. 12:54:09PM</p>	<p style="text-align: right;">Page 171</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Objection. 12:55:03PM</p> <p>3 A I was asked if I wanted my own weapon, 12:55:04PM</p> <p>4 and I said if this is -- if this weapon meets</p> <p>5 the qualifications for Ocean Beach, I'd rather</p> <p>6 carry my own weapon.</p> <p>7 Q And did it meet the qualifications for 12:55:12PM</p> <p>8 Ocean Beach?</p> <p>9 A Yes. 12:55:16PM</p> <p>10 Q And you and carried your own weapon 12:55:16PM</p> <p>11 the whole time you were there?</p> <p>12 A Yes. 12:55:20PM</p> <p>13 Q You never carried a weapon that was 12:55:20PM</p> <p>14 given to you from the beach?</p> <p>15 MR. NOVIKOFF: Objection. 12:55:24PM</p> <p>16 A No. 12:55:24PM</p> <p>17 Q Do you know who Allison Chester or 12:55:28PM</p> <p>18 Allison Sanchez is?</p> <p>19 A No. 12:55:32PM</p> <p>20 Q You never heard the name Allison 12:55:33PM</p> <p>21 Chester?</p> <p>22 A I've heard of Allison, but I don't 12:55:36PM</p> <p>23 know. Chester doesn't ring a bell.</p> <p>24 Q Do you know an Allison who worked over 12:55:41PM</p> <p>25 at Suffolk County Civil Service?</p>
<p style="text-align: right;">Page 170</p> <p>1 RICHARD BOSETTI</p> <p>2 Do you know who Mary Ann Minerva is? 12:54:09PM</p> <p>3 A Mary Ann. 12:54:13PM</p> <p>4 Q Minerva. 12:54:14PM</p> <p>5 A No. Unless she's the girl in the 12:54:16PM</p> <p>6 office. I don't know. No, I don't know who she</p> <p>7 is.</p> <p>8 Q Did you ever speak to any of the girls 12:54:21PM</p> <p>9 in the office about your need to take these</p> <p>10 tests to be certified as a police officer?</p> <p>11 A Not that I can recall. 12:54:28PM</p> <p>12 Q And the full-carry pistol license that 12:54:37PM</p> <p>13 you testified, pistol permit that you had, was</p> <p>14 that tied to a certain firearm?</p> <p>15 A Four or five firearms. 12:54:49PM</p> <p>16 Q Four or five firearms? 12:54:51PM</p> <p>17 A Yes. 12:54:54PM</p> <p>18 Q And those are your own personal 12:54:54PM</p> <p>19 firearms?</p> <p>20 A Yes, they are. 12:54:55PM</p> <p>21 Q Was that your weapon that you carried 12:54:55PM</p> <p>22 at Ocean Beach?</p> <p>23 A Yes, it was. 12:54:59PM</p> <p>24 Q So you were never given a weapon from 12:54:59PM</p> <p>25 the beach?</p>	<p style="text-align: right;">Page 172</p> <p>1 RICHARD BOSETTI</p> <p>2 A No. 12:55:46PM</p> <p>3 MR. NOVIKOFF: Let the record reflect 12:55:54PM</p> <p>4 that Mr. Jemal has come into the room.</p> <p>5 BY MR. GOODSTADT: 12:56:02PM</p> <p>6 Q Did you ever use the Ocean Beach 12:56:02PM</p> <p>7 police barracks as your address?</p> <p>8 A As my official address? 12:56:09PM</p> <p>9 Q Yeah. Did you ever fill out on any 12:56:11PM</p> <p>10 form or any paperwork --</p> <p>11 A No. 12:56:14PM</p> <p>12 Q -- that that's your address, the 12:56:15PM</p> <p>13 police barracks?</p> <p>14 MR. GOODSTADT: Why don't we take our 12:56:21PM</p> <p>15 lunch break now.</p> <p>16 MR. NOVIKOFF: Okay. 12:56:25PM</p> <p>17 THE VIDEOGRAPHER: The time is 12:57. 12:56:28PM</p> <p>18 We're off the record.</p> <p>19 (Whereupon, a discussion was held off 12:56:31PM</p> <p>20 the record.)</p> <p>21 THE VIDEOGRAPHER: The time is 1:54. 1:53:14PM</p> <p>22 We are back on the record.</p> <p>23 MR. GOODSTADT: Can you just mark 1:53:19PM</p> <p>24 that, please.</p> <p>25 (Whereupon, Bates document 05342 was 1:53:21PM</p>

Page 173	Page 175
<p>1 RICHARD BOSETTI</p> <p>2 marked as R. Bosetti 5 for identification,</p> <p>3 as of this date.)</p> <p>4 BY MR. GOODSTADT: 1:53:44PM</p> <p>5 Q Mr. Bosetti? 1:53:44PM</p> <p>6 A Yes, sir. 1:53:46PM</p> <p>7 Q When you were at the beach -- I 1:53:47PM</p> <p>8 believe I asked the question, but I just want to</p> <p>9 make sure I'm clear on it. When you worked at</p> <p>10 Ocean Beach, did you receive any yearly</p> <p>11 performance reports or yearly performance</p> <p>12 reviews?</p> <p>13 MR. NOVIKOFF: Objection. Asked and 1:54:00PM</p> <p>14 answered.</p> <p>15 A Just by mouth. 1:54:01PM</p> <p>16 MR. GOODSTADT: I've placed in front 1:54:18PM</p> <p>17 of Mr.. Bosetti what's been marked as</p> <p>18 Bosetti 5. It is a one-page exhibit bearing</p> <p>19 Bates No. 5342. (Handing.)</p> <p>20 BY MR. GOODSTADT: 1:54:33PM</p> <p>21 Q Mr. Bosetti, have you ever seen the 1:54:32PM</p> <p>22 document that's been marked as R. Bosetti</p> <p>23 Exhibit 5?</p> <p>24 A This one here? 1:54:37PM</p> <p>25 Q Yes. 1:54:38PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Do you see that? 1:55:31PM</p> <p>3 A Yeah. 1:55:31PM</p> <p>4 Q Was that the incident that you 1:55:32PM</p> <p>5 testified to that you got into fight with George</p> <p>6 Hesse over?</p> <p>7 A Not a fight, an argument. 1:55:35PM</p> <p>8 Q An argument? 1:55:36PM</p> <p>9 A Yes. 1:55:37PM</p> <p>10 Q And that was when he called you away 1:55:40PM</p> <p>11 from your breakfast to come take a post; is that</p> <p>12 what happened?</p> <p>13 A Yeah. Uh-huh. 1:55:46PM</p> <p>14 Q And he sent you home? 1:55:47PM</p> <p>15 A Yes. 1:55:50PM</p> <p>16 Q Okay. So you didn't actually work 1:55:50PM</p> <p>17 your shift that day?</p> <p>18 A No. Maybe an hour or two. 1:55:52PM</p> <p>19 Q So you actually came -- 1:55:54PM</p> <p>20 A Came in, had my breakfast, went to 1:55:56PM</p> <p>21 post, got pissed off, got into an argument with</p> <p>22 George and left.</p> <p>23 Q And what did he tell you when he sent 1:56:04PM</p> <p>24 home?</p> <p>25 A When he sent me home? Stay home until 1:56:07PM</p>
Page 174	Page 176
<p>1 RICHARD BOSETTI</p> <p>2 A Yes. 1:54:39PM</p> <p>3 Q What is this document? 1:54:39PM</p> <p>4 A It's an evaluation report. 1:54:41PM</p> <p>5 Q And when did you see this for the 1:54:42PM</p> <p>6 first time?</p> <p>7 A When I was going to court in front of 1:54:44PM</p> <p>8 a judge for my unemployment.</p> <p>9 Q You actually went to a court to 1:54:51PM</p> <p>10 resolve your unemployment issue with the beach?</p> <p>11 A In front of an arbitrator. 1:54:57PM</p> <p>12 Q Do you recall where that court was? 1:54:59PM</p> <p>13 A Nassau County, off of Hempstead 1:55:01PM</p> <p>14 Turnpike. I don't know where.</p> <p>15 Q So you didn't see this at all during 1:55:08PM</p> <p>16 your employment at Ocean Beach?</p> <p>17 A No. No. 1:55:11PM</p> <p>18 Q So if you look at the section that 1:55:12PM</p> <p>19 "says additional supervisory comments" -- do you</p> <p>20 see that? It's about halfway down.</p> <p>21 A Yes. 1:55:20PM</p> <p>22 Q It says, "On July 16th, 2007, 1:55:21PM</p> <p>23 Officer R. Bosetti Exhibit was insubordinate in</p> <p>24 reference to post assignment after a large</p> <p>25 fire."</p>	<p>1 RICHARD BOSETTI</p> <p>2 I call you.</p> <p>3 Q Did you view that as being terminated? 1:56:11PM</p> <p>4 A No. 1:56:13PM</p> <p>5 Q Did he ever call you? 1:56:15PM</p> <p>6 A Yeah. 1:56:16PM</p> <p>7 Q When did he call you? 1:56:17PM</p> <p>8 A A week later or a couple of days, hit 1:56:18PM</p> <p>9 or miss, you know.</p> <p>10 Q Did you call him before he called you? 1:56:23PM</p> <p>11 A Maybe for small talk. 1:56:26PM</p> <p>12 Q You don't recall one away or the other 1:56:28PM</p> <p>13 whether you did or not?</p> <p>14 A Yeah, I think I called him. I think I 1:56:32PM</p> <p>15 called him when I was working a job for -- I</p> <p>16 worked a job for Bo Diedl. You know Bo Diedl</p> <p>17 and Associates?</p> <p>18 Q A private investigator? 1:56:41PM</p> <p>19 A Yeah. He's the guy that's always on 1:56:43PM</p> <p>20 Fox News, trying to solve these crimes. I think</p> <p>21 I called him from there, asking him how he was</p> <p>22 doing.</p> <p>23 Q And did he invite you back, to come 1:56:53PM</p> <p>24 back and work at Ocean Beach?</p> <p>25 A He didn't -- I don't know -- I don't 1:56:58PM</p>

Page 177	Page 179
<p>1 RICHARD BOSETTI</p> <p>2 recall if he invited me back with that phone</p> <p>3 call or not. I think my brother might have told</p> <p>4 me, oh, you're on the schedule in a couple of</p> <p>5 days.</p> <p>6 Q You don't recall how you learned that 1:57:08PM</p> <p>7 you were entitled to come back and work another</p> <p>8 tour?</p> <p>9 A No. 1:57:11PM</p> <p>10 Q Did you know that he actually wrote 1:57:13PM</p> <p>11 you up for that incident, prior to your</p> <p>12 unemployment issue?</p> <p>13 MR. NOVIKOFF: Objection. 1:57:21PM</p> <p>14 A No. I didn't find out until my 1:57:22PM</p> <p>15 unemployment.</p> <p>16 Q He never told you he was gonna write 1:57:26PM</p> <p>17 you up?</p> <p>18 MR. NOVIKOFF: Objection. 1:57:29PM</p> <p>19 A No, but I figured he probably will. 1:57:29PM</p> <p>20 Q Why did you figure that? 1:57:32PM</p> <p>21 A I did have a verbal altercation with 1:57:33PM</p> <p>22 him in the middle of town.</p> <p>23 Q Did Hesse generally write up people 1:57:38PM</p> <p>24 when they were insubordinate?</p> <p>25 MR. CONNOLLY: Objection. 1:57:46PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Did you ever receive an employee 1:58:38PM</p> <p>3 handbook when you worked at Ocean Beach?</p> <p>4 A I received, I think, the police guide, 1:58:45PM</p> <p>5 patrol guide.</p> <p>6 MR. GOODSTADT: Can you mark this. 1:58:52PM</p> <p>7 (Whereupon, Bates document 1-25 was 1:58:53PM</p> <p>8 marked as R. Bosetti 6 for identification,</p> <p>9 as of this date.)</p> <p>10 MR. GOODSTADT: I've placed in front 1:59:34PM</p> <p>11 of Mr. Bosetti what's now been marked as R.</p> <p>12 Bosetti Exhibit 6. It is a multiple-page</p> <p>13 exhibit bearing Bates numbers 1 through 25,</p> <p>14 and it's entitled The Incorporated Village</p> <p>15 of Ocean Beach Employee Handbook.</p> <p>16 (Handing.)</p> <p>17 BY MR. GOODSTADT: 1:59:53PM</p> <p>18 Q Mr. Bosetti, have you ever seen this 1:59:53PM</p> <p>19 document or any version of this document that's</p> <p>20 been marked as R. Bosetti Exhibit 6?</p> <p>21 A I may have seen the version in a 2:00:02PM</p> <p>22 little form, a little book.</p> <p>23 Q What do you mean by that? 2:00:07PM</p> <p>24 A A little hard -- not hardcover but 2:00:08PM</p> <p>25 like a -- like similar to that but a small book</p>
Page 178	Page 180
<p>1 RICHARD BOSETTI</p> <p>2 A I don't know what he did with other 1:57:47PM</p> <p>3 people.</p> <p>4 Q Well, prior to that altercation or 1:57:49PM</p> <p>5 argument that you had with Mr. Hesse, had you</p> <p>6 known him to write up any other officers?</p> <p>7 A I don't know. 1:57:58PM</p> <p>8 Q So why did you think he was gonna 1:57:59PM</p> <p>9 write you up if you didn't know him to write up</p> <p>10 any other officers?</p> <p>11 A I don't know. I just figured if I was 1:58:04PM</p> <p>12 terminated later on from the other incident,</p> <p>13 that they would probably put it on paper.</p> <p>14 Q Do you know when he wrote this -- 1:58:16PM</p> <p>15 A No. 1:58:18PM</p> <p>16 Q -- first sentence? 1:58:18PM</p> <p>17 A No. 1:58:20PM</p> <p>18 Q Did you ever discuss this document 1:58:20PM</p> <p>19 that's marked as R. Bosetti Exhibit 5 with</p> <p>20 George Hesse?</p> <p>21 A No. 1:58:25PM</p> <p>22 Q Did you receive one of these yearly 1:58:30PM</p> <p>23 performance reports for any other year other</p> <p>24 than for this '07 reporting year?</p> <p>25 A No. 1:58:37PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 that says Incorporated Village of Ocean Beach</p> <p>3 Patrol Guide.</p> <p>4 Q Is that -- was the copy of the 2:00:18PM</p> <p>5 employee handbook within the patrol guide?</p> <p>6 A No. I think it was in the precinct. 2:00:23PM</p> <p>7 Q So where did you see this document 2:00:26PM</p> <p>8 prior to today?</p> <p>9 A Prior to today, if it's the same 2:00:30PM</p> <p>10 document, it was in the office.</p> <p>11 Q Did you ever read the document that 2:00:37PM</p> <p>12 was in the office?</p> <p>13 A Nah, I maybe paged through it. 2:00:39PM</p> <p>14 Q If you look at the page that's been 2:00:42PM</p> <p>15 marked as 00004.</p> <p>16 A (Witness complies.) 2:00:50PM</p> <p>17 Q Do you see that? 2:00:52PM</p> <p>18 A Yeah. 2:00:53PM</p> <p>19 Q It says "acknowledgment" on the top, 2:00:54PM</p> <p>20 "Incorporated Village of Ocean Beach Employee</p> <p>21 Handbook Acknowledgment."</p> <p>22 A Uh-huh. 2:01:00PM</p> <p>23 Q Did you ever sign that page? 2:01:01PM</p> <p>24 A I may have. I don't know.. 2:01:02PM</p> <p>25 Q You don't recall one way or the other? 2:01:08PM</p>

Page 181	Page 183
<p>1 RICHARD BOSETTI</p> <p>2 A I don't recall. 2:01:10PM</p> <p>3 Q If you look at the page marked as 2:01:11PM</p> <p>4 000010 --</p> <p>5 A (Witness complies.) Uh-huh. 2:01:15PM</p> <p>6 Q -- under "employee performance 2:01:22PM</p> <p>7 appraisals" -- do you see that?</p> <p>8 A Yes, I do. 2:01:26PM</p> <p>9 Q -- it says, "Newly hired employees may 2:01:27PM</p> <p>10 receive performance appraisals after 30 days and</p> <p>11 a more formal evaluation at the end of six</p> <p>12 months."</p> <p>13 Do you see that? 2:01:34PM</p> <p>14 A Yes. 2:01:35PM</p> <p>15 Q Did you see receive any employee 2:01:35PM</p> <p>16 appraisal at the end of 30 days of your</p> <p>17 employment there?</p> <p>18 A I don't recall. 2:01:39PM</p> <p>19 Q Did you receive a formal evaluation at 2:01:40PM</p> <p>20 the end of six months?</p> <p>21 A I don't recall. 2:01:42PM</p> <p>22 Q It says, "Thereafter, all employees 2:01:46PM</p> <p>23 may receive a performance appraisal annually."</p> <p>24 Do you see that? 2:01:50PM</p> <p>25 A Performance annually? 2:01:56PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Sure. 2:02:58PM</p> <p>3 Q Was unemployment ever denied to you 2:03:02PM</p> <p>4 during the off season?</p> <p>5 A Unemployment prior to me so-called 2:03:04PM</p> <p>6 getting terminated?</p> <p>7 Q I'm talking about between -- your 2:03:11PM</p> <p>8 first season was '02, correct?</p> <p>9 A Yes. 2:03:14PM</p> <p>10 Q So between Labor Day of '02 and 2:03:15PM</p> <p>11 Memorial Day of '03, I know you were working</p> <p>12 part-time.</p> <p>13 A I don't think I collected that year. 2:03:22PM</p> <p>14 Q Okay. How about after the '03 season, 2:03:24PM</p> <p>15 did you collect?</p> <p>16 A I may have, yes. 2:03:27PM</p> <p>17 Q After the '04 season, did you collect? 2:03:29PM</p> <p>18 A Yes, I may have. 2:03:31PM</p> <p>19 Q But you were still working tours 2:03:33PM</p> <p>20 during the off season, correct?</p> <p>21 A Yes. 2:03:37PM</p> <p>22 Q Was unemployment ever denied to you -- 2:03:37PM</p> <p>23 A No. 2:03:39PM</p> <p>24 Q -- for Ocean Beach? 2:03:39PM</p> <p>25 A No. 2:03:42PM</p>
Page 182	Page 184
<p>1 RICHARD BOSETTI</p> <p>2 Q Yes. It's the last sentence of that 2:01:58PM</p> <p>3 paragraph.</p> <p>4 A Yes, sir. 2:02:04PM</p> <p>5 Q The sentence that starts "Thereafter." 2:02:04PM</p> <p>6 Do you see that?</p> <p>7 A Yes. 2:02:06PM</p> <p>8 Q Did you ever receive a performance 2:02:06PM</p> <p>9 appraisal annually while you were employed</p> <p>10 there?</p> <p>11 A I don't recall. 2:02:11PM</p> <p>12 Q And other than for being sent home for 2:02:20PM</p> <p>13 that July incident where you had the argument</p> <p>14 with Mr. Hesse, did you receive any other</p> <p>15 discipline for that incident?</p> <p>16 A No. No, sir. 2:02:32PM</p> <p>17 Q Did you miss any tours after that 2:02:36PM</p> <p>18 incident?</p> <p>19 A Oh, yeah. I was telling you, a week 2:02:40PM</p> <p>20 or so.</p> <p>21 Q So then you were sent home, and then 2:02:43PM</p> <p>22 taken off the tours for a week?</p> <p>23 A Yes. 2:02:48PM</p> <p>24 Q Did you collect unemployment during 2:02:53PM</p> <p>25 the off seasons?</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q And for the next season, so let's take 2:03:43PM</p> <p>3 the '02 to '03 off season, when the next season</p> <p>4 came up in '03, did you have to fill out any</p> <p>5 paperwork to resume your work as a part-time</p> <p>6 police officer for the season?</p> <p>7 A No, I don't think so. 2:04:02PM</p> <p>8 Q Did you have to apply to be back on 2:04:04PM</p> <p>9 the tours for the next season?</p> <p>10 A I don't think so. 2:04:08PM</p> <p>11 Q How did you know that you were going 2:04:11PM</p> <p>12 to be employed during that next season?</p> <p>13 A You go to the meeting in April. 2:04:15PM</p> <p>14 Q Did you ever receive any paperwork 2:04:22PM</p> <p>15 saying you're being rehired for next season?</p> <p>16 A No. As part-time, you worked through 2:04:28PM</p> <p>17 the whole year. Seasonal, I guess, is when</p> <p>18 you're being rehired.</p> <p>19 Q Were you ever a seasonal employee? 2:04:38PM</p> <p>20 A No, part-time. 2:04:40PM</p> <p>21 Q So you were never a seasonal police 2:04:41PM</p> <p>22 officer?</p> <p>23 A No. I don't know a what's on paper, 2:04:43PM</p> <p>24 but I was always part-time.</p> <p>25 (Whereupon, Bates document 8183-8184 2:05:23PM</p>

<p style="text-align: right;">Page 185</p> <p>1 RICHARD BOSETTI</p> <p>2 was marked as R. Bosetti 7 for</p> <p>3 identification, as of this date.)</p> <p>4 MR. GOODSTADT: I've placed in front 2:06:00PM</p> <p>5 of Mr. Bosetti what's now been marked as R.</p> <p>6 Bosetti 7. This is a two-page exhibit</p> <p>7 bearing Bates numbers 8183 and 8184.</p> <p>8 (Handing.)</p> <p>9 BY MR. GOODSTADT: 2:06:24PM</p> <p>10 Q Mr. Bosetti, do you recognize the 2:06:23PM</p> <p>11 document that's been marked as R. Bosetti 7?</p> <p>12 A No. 2:06:29PM</p> <p>13 Q I represent to you this was something 2:06:30PM</p> <p>14 produced to us from the beach that appear to be</p> <p>15 part of your personnel file over there.</p> <p>16 A Okay. 2:06:38PM</p> <p>17 Q If you look down on -- if you look 2:06:39PM</p> <p>18 down the left side you'll see some boxes and</p> <p>19 there's a box that says "job app."</p> <p>20 Do you see that on the left side? 2:06:48PM</p> <p>21 It's about a quarter of the way down the page.</p> <p>22 A Yes. 2:06:52PM</p> <p>23 Q Now December 4th, 1981, NYCPD, that's 2:06:52PM</p> <p>24 when you applied for the job with the city?</p> <p>25 A If that's what's down there, that's 2:07:01PM</p>	<p style="text-align: right;">Page 187</p> <p>1 RICHARD BOSETTI</p> <p>2 Q If you look under that, it says "LIC 2:07:58PM</p> <p>3 app."</p> <p>4 A I'm sorry? Yes. 2:08:02PM</p> <p>5 Q And you have across January 16th, 2:08:05PM</p> <p>6 1976?</p> <p>7 A Yes. 2:08:09PM</p> <p>8 Q And it looks like you're applying for 2:08:10PM</p> <p>9 a pistol application there; is that correct?</p> <p>10 A Yes. This is pretty good. 2:08:13PM</p> <p>11 Q That's when you got the pistol 2:08:15PM</p> <p>12 application, and then you filled them out?</p> <p>13 A Yeah. That was for target for me. 2:08:18PM</p> <p>14 That was before I was a police officer.</p> <p>15 Q So in 1976, you applied for a pistol 2:08:20PM</p> <p>16 application?</p> <p>17 A Target pistol, target permit, because 2:08:23PM</p> <p>18 I wasn't a police officer.</p> <p>19 Q Then January 11th, '02 Nassau 2:08:26PM</p> <p>20 County, it looks here as though you're applying</p> <p>21 for a pistol permit in Nassau County, correct?</p> <p>22 A Yes. 2:08:35PM</p> <p>23 Q Do you recall applying in '02 for the 2:08:35PM</p> <p>24 pistol permit?</p> <p>25 A Yes. 2:08:40PM</p>
<p style="text-align: right;">Page 186</p> <p>1 RICHARD BOSETTI</p> <p>2 correct, that's when it did that.</p> <p>3 Q Now it says "job app May 21, 2005, 2:07:04PM</p> <p>4 Ocean Beach police officer."</p> <p>5 Do you see that? 2:07:11PM</p> <p>6 A Yes. 2:07:11PM</p> <p>7 Q Did you apply for a job at Ocean Beach 2:07:12PM</p> <p>8 in May 2005?</p> <p>9 A This is for job applications? 2:07:18PM</p> <p>10 MR. NOVIKOFF: Objection. Nothing to 2:07:20PM</p> <p>11 object to.</p> <p>12 A I was working for them already in 2:07:24PM</p> <p>13 2005. Maybe this was when we took the physical.</p> <p>14 Q But you don't recall filling out a job 2:07:30PM</p> <p>15 application?</p> <p>16 A It might have been from the Suffolk 2:07:33PM</p> <p>17 County Police Academy.</p> <p>18 Q Do you recall filling out a job 2:07:36PM</p> <p>19 application, though, in May of 2005?</p> <p>20 A I filled out a question. I don't 2:07:45PM</p> <p>21 know -- a questionnaire. I don't know exactly</p> <p>22 where you're getting at with this, but if it was</p> <p>23 for the Suffolk County Police Academy, which I</p> <p>24 don't know what year that was, then that was the</p> <p>25 application..</p>	<p style="text-align: right;">Page 188</p> <p>1 RICHARD BOSETTI</p> <p>2 Q And that's the permit you testified to 2:08:40PM</p> <p>3 before?</p> <p>4 A Yes. 2:08:42PM</p> <p>5 Q That's the full carry permit? 2:08:43PM</p> <p>6 A Yes, uh-huh. 2:08:44PM</p> <p>7 Q And that was issued in January of '02, 2:08:45PM</p> <p>8 it appears?</p> <p>9 A Yes. That might have been when I did 2:08:49PM</p> <p>10 the application. I think I got the pistol</p> <p>11 permit sometime after January 25th.</p> <p>12 Q Okay. Now, on May 18th, 2005 it 2:08:57PM</p> <p>13 references a New York State Department ST LIC</p> <p>14 DIV.</p> <p>15 Do you see that? 2:09:07PM</p> <p>16 A Yes. 2:09:08PM</p> <p>17 Q And the type is other. 2:09:08PM</p> <p>18 Do you see that? 2:09:09PM</p> <p>19 A Yes. 2:09:10PM</p> <p>20 Q Do you know what that refers to? 2:09:11PM</p> <p>21 A No. 2:09:12PM</p> <p>22 Q So in May of '05, you don't recall 2:09:12PM</p> <p>23 filling out an application for some sort of</p> <p>24 license?</p> <p>25 A Yes. Yeah. 2:09:19PM</p>

<p style="text-align: right;">Page 189</p> <p>1 RICHARD BOSETTI</p> <p>2 Q What is that for? 2:09:21PM</p> <p>3 A If this is for when I bought a .380 2:09:22PM</p> <p>4 Cal Tech, that's the only thing I did can think</p> <p>5 of, '05.</p> <p>6 Q What's a .380 Cal Tech? 2:09:30PM</p> <p>7 A It's a pocket semiautomatic pistol. 2:09:32PM</p> <p>8 Q And do you recall whether you actually 2:09:35PM</p> <p>9 filled out an application for that in May of</p> <p>10 '05?</p> <p>11 A Yeah. If that's for that gun, I had 2:09:44PM</p> <p>12 to fill out an application.</p> <p>13 Q But you don't know one way or the 2:09:48PM</p> <p>14 other whether that's for that gun?</p> <p>15 A This has to be that, because that's 2:09:53PM</p> <p>16 about the time when I bought that gun, around</p> <p>17 that time.</p> <p>18 Q Now, I just want to focus back on your 2:10:03PM</p> <p>19 job with the Ocean Beach Police Department.</p> <p>20 A Yeah, sure. 2:10:09PM</p> <p>21 Q Did you have any authority to make 2:10:10PM</p> <p>22 arrests?</p> <p>23 A Yes. 2:10:12PM</p> <p>24 Q And was there a certain jurisdictional 2:10:13PM</p> <p>25 limit in which you had the authority to make an</p>	<p style="text-align: right;">Page 191</p> <p>1 RICHARD BOSETTI</p> <p>2 ago. But if there was a misdemeanor taking</p> <p>3 place, you could not lock the person up unless</p> <p>4 you witnessed it. If somebody came up to you</p> <p>5 and said, hey, that guy just did this and it's a</p> <p>6 misdemeanor, sorry, I can't lock him up. If he</p> <p>7 did it in front of your eyes and you actually</p> <p>8 saw the guy, you could lock him up.</p> <p>9 Felonies, if somebody comes up to you 2:11:29PM</p> <p>10 and says, hey, this guy just raped a girl, you</p> <p>11 don't have to see it, you could take police</p> <p>12 action.</p> <p>13 Now, that's the way it was years ago. 2:11:36PM</p> <p>14 If the laws changed, I don't know.</p> <p>15 Q But is that the same within your 2:11:40PM</p> <p>16 geographical area of employment as it is outside</p> <p>17 your area of geographical area of employment?</p> <p>18 A I would think that being I was a 2:11:49PM</p> <p>19 police officer in Ocean Beach, that would have</p> <p>20 been the same powers as if I was Upstate New</p> <p>21 York, with those limitations that I just</p> <p>22 explained to you.</p> <p>23 Q So just so I'm clear from your 2:11:58PM</p> <p>24 explanation, so when you were a police officer</p> <p>25 at Ocean Beach -- were you a police officer in</p>
<p style="text-align: right;">Page 190</p> <p>1 RICHARD BOSETTI</p> <p>2 arrest?</p> <p>3 A Jurisdictional limits? 2:10:20PM</p> <p>4 Q Yes. 2:10:21PM</p> <p>5 MR. NOVIKOFF: Objection. 2:10:22PM</p> <p>6 A I would think you had in your 2:10:24PM</p> <p>7 geographical area of employment -- I'm not even</p> <p>8 sure. I can't answer that.</p> <p>9 Q So you don't know if your powers of 2:10:35PM</p> <p>10 arrest extended beyond your geographical area of</p> <p>11 employment?</p> <p>12 A My powers of arrest extended all 2:10:41PM</p> <p>13 through New York State.</p> <p>14 Q So you had jurisdictional power, for 2:10:46PM</p> <p>15 example, to arrest somebody in Central Islip</p> <p>16 while you were a police officer in Ocean Beach?</p> <p>17 A Yes. Depending on the crime, and 2:10:52PM</p> <p>18 that's where I'm a little bit confused. If it's</p> <p>19 a misdemeanor, you have to witness it. You</p> <p>20 know, it goes like that. So --</p> <p>21 Q I'm not sure what you mean by that. 2:11:04PM</p> <p>22 A Well, if you're out of -- in other 2:11:05PM</p> <p>23 words, when I was a city police officer, I had</p> <p>24 powers all through the state. I don't know if</p> <p>25 they changed it, because that was a long time</p>	<p style="text-align: right;">Page 192</p> <p>1 RICHARD BOSETTI</p> <p>2 any other jurisdiction other than for Ocean</p> <p>3 Beach? I mean were you employed by any other</p> <p>4 jurisdiction at that time?</p> <p>5 A No. 2:12:12PM</p> <p>6 Q Okay. So at the time you were 2:12:13PM</p> <p>7 employed as a police officer in Ocean Beach and</p> <p>8 you witnessed a misdemeanor out in Central</p> <p>9 Islip --</p> <p>10 A Yes. 2:12:24PM</p> <p>11 Q -- did you have the authority to 2:12:24PM</p> <p>12 arrest the person who committed the misdemeanor</p> <p>13 out in Central Islip?</p> <p>14 MR. NOVIKOFF: Objection. 2:12:32PM</p> <p>15 A Unless the laws changed, if it 2:12:32PM</p> <p>16 happened in front of me, yes.</p> <p>17 Q Even though it was outside the 2:12:36PM</p> <p>18 geographical area of your employment?</p> <p>19 MR. NOVIKOFF: Objection. 2:12:40PM</p> <p>20 A Yes. Peace officers have geographical 2:12:40PM</p> <p>21 areas of employment. Police officers actually</p> <p>22 are police officers all through the state. The</p> <p>23 limitations when it comes to the geographical</p> <p>24 area of employment is when it comes to</p> <p>25 misdemeanors. And of course when it comes to</p>

Page 193	Page 195
<p>1 RICHARD BOSETTI</p> <p>2 violations, you have no -- you can't give a red</p> <p>3 light up in Upstate New York.</p> <p>4 Q So if you're driving along and 2:12:58PM</p> <p>5 somebody runs a red light in Central Islip and</p> <p>6 you're a police officer in Ocean Beach, you</p> <p>7 couldn't pull a person over and write a ticket?</p> <p>8 A No. 2:13:09PM</p> <p>9 MR. NOVIKOFF: Objection. 2:13:09PM</p> <p>10 BY MR. GOODSTADT: 2:13:10PM</p> <p>11 Q What was the answer to that? 2:13:13PM</p> <p>12 A No. 2:13:14PM</p> <p>13 Q And when you were employed as a police 2:13:18PM</p> <p>14 officer in Ocean Beach, you had the authority to</p> <p>15 issue summons?</p> <p>16 MR. NOVIKOFF: Where? 2:13:25PM</p> <p>17 A Could I go back to that last question? 2:13:26PM</p> <p>18 MR. NOVIKOFF: In Ocean Beach. 2:13:29PM</p> <p>19 A Could I go back to that last question? 2:13:30PM</p> <p>20 Q Certainly can. 2:13:31PM</p> <p>21 A I'm not sure about that, if I had 2:13:31PM</p> <p>22 the authority -- if I didn't have the authority</p> <p>23 to do it, to write a summons for a red light</p> <p>24 outside of Ocean Beach, because it's still</p> <p>25 Suffolk County.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q And '03 you had the authority to 2:14:39PM</p> <p>3 arrest in Ocean Beach?</p> <p>4 MR. NOVIKOFF: Objection. 2:14:42PM</p> <p>5 A Yes. 2:14:42PM</p> <p>6 Q And in '04 you had the authority to 2:14:43PM</p> <p>7 arrest in Ocean Beach?</p> <p>8 MR. NOVIKOFF: Objection. 2:14:46PM</p> <p>9 A Yes. 2:14:47PM</p> <p>10 Q And '05, let's take the first three 2:14:47PM</p> <p>11 quarters of '05. Between January and September</p> <p>12 of 2005, you had the authority to arrest in</p> <p>13 Ocean Beach?</p> <p>14 MR. NOVIKOFF: Objection. 2:14:57PM</p> <p>15 A Yes. 2:14:57PM</p> <p>16 Q Who granted you that authority? 2:14:58PM</p> <p>17 MR. NOVIKOFF: Objection. 2:15:00PM</p> <p>18 A I guess the mayor of Ocean Beach, 2:15:02PM</p> <p>19 whoever swore me in.</p> <p>20 Q Who swore you in? 2:15:09PM</p> <p>21 A I don't recall. I don't recall. 2:15:10PM</p> <p>22 Q Was it Natalie Rogers? 2:15:17PM</p> <p>23 A I don't recall. 2:15:18PM</p> <p>24 Q Did you make any arrests between 2002 2:15:21PM</p> <p>25 and September of 2005?</p>
Page 194	Page 196
<p>1 RICHARD BOSETTI</p> <p>2 Q Did you ever write a summons to anyone 2:13:41PM</p> <p>3 outside of Ocean Beach while you were employed</p> <p>4 as a police officer in Ocean Beach?</p> <p>5 A No. But Joe Nofi did it off duty on 2:13:48PM</p> <p>6 the way to the range one time outside a bagel</p> <p>7 place.</p> <p>8 Q That wasn't the question. The 2:13:53PM</p> <p>9 question was whether you ever wrote a summons</p> <p>10 outside of Ocean Beach when you were employed as</p> <p>11 a police officer at Ocean Beach.</p> <p>12 A If it wasn't one of the surrounding 2:14:05PM</p> <p>13 towns, like the bordering towns of Ocean Beach,</p> <p>14 I can't recall if I did or not. But outside</p> <p>15 like on the mainland, no.</p> <p>16 Q So outside of Fire Island, you didn't 2:14:16PM</p> <p>17 write any summons?</p> <p>18 A No. Unless you know something I 2:14:20PM</p> <p>19 don't. I don't recall.</p> <p>20 Q And you had the authority to arrest in 2:14:27PM</p> <p>21 2002?</p> <p>22 MR. NOVIKOFF: Objection. Leading. 2:14:32PM</p> <p>23 A Not all of 2002. 2:14:34PM</p> <p>24 Q Starting in May of 2002? 2:14:36PM</p> <p>25 A Yes. 2:14:38PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A I don't think I've ever made an arrest 2:15:25PM</p> <p>3 out there.</p> <p>4 Q Did you issue any summonses between 2:15:28PM</p> <p>5 2002 and September of 2005?</p> <p>6 A A couple. 2:15:33PM</p> <p>7 Q How many? 2:15:34PM</p> <p>8 A I'm guessing, maybe five. 2:15:36PM</p> <p>9 Q Five in that five-year period? 2:15:38PM</p> <p>10 A Five-year? 2002 to 2005, three years. 2:15:40PM</p> <p>11 Q It's four years. 2002 season, 2003 2:15:44PM</p> <p>12 season, 2004 season, 2005 season.</p> <p>13 A Yeah.. Maybe a little more. Maybe 2:15:49PM</p> <p>14 seven.</p> <p>15 Q Were you ever instructed not to issue 2:15:57PM</p> <p>16 summons to certain establishments?</p> <p>17 A To certain establishments? 2:16:01PM</p> <p>18 Q Yes. 2:16:03PM</p> <p>19 A No. 2:16:04PM</p> <p>20 Q You were never issued not to issue 2:16:04PM</p> <p>21 summons to CJ's?</p> <p>22 A No. 2:16:10PM</p> <p>23 Q You were never told not to issue 2:16:11PM</p> <p>24 summons to Maguire's?</p> <p>25 A No. 2:16:17PM</p>

Page 197	Page 199
<p>1 RICHARD BOSETTI</p> <p>2 Q Have you ever been to McGuire's? 2:16:18PM</p> <p>3 A That's the bar -- oh, no, I'm sorry. 2:16:20PM</p> <p>4 I still don't know the bar. Yeah, I've been to</p> <p>5 McGuire's.</p> <p>6 Q Did you ever consume any alcoholic 2:16:24PM</p> <p>7 beverages while on duty at Ocean Beach?</p> <p>8 MR. NOVIKOFF: Objection. Asked and 2:16:29PM</p> <p>9 answered.</p> <p>10 A Yeah. 2:16:30PM</p> <p>11 Q How many times? 2:16:30PM</p> <p>12 A If I was invited to a barbecue and 2:16:32PM</p> <p>13 they gave me a burger and I had a beer, it would</p> <p>14 be like that.</p> <p>15 Q How many times did that happen? 2:16:41PM</p> <p>16 A I don't know. I don't know. More 2:16:44PM</p> <p>17 than once.</p> <p>18 Q Were you in uniform at the time? 2:16:51PM</p> <p>19 A Yes. 2:16:52PM</p> <p>20 Q Who have you -- who was with you on 2:17:00PM</p> <p>21 those occasions in which you drank a beer while</p> <p>22 you were in uniform and on duty?</p> <p>23 A I don't know. 2:17:09PM</p> <p>24 Q Was your brother with you? 2:17:10PM</p> <p>25 A I don't know. 2:17:11PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 beer with my meatball hero, I'd have a beer.</p> <p>3 Q Any policies regarding drinking while 2:18:11PM</p> <p>4 on duty?</p> <p>5 MR. NOVIKOFF: Objection. 2:18:13PM</p> <p>6 A Yeah. From what I understand, I don't 2:18:14PM</p> <p>7 know who told me, it was okay for you to have a</p> <p>8 beer with your lunch.</p> <p>9 Q Do you recall when you learned that 2:18:24PM</p> <p>10 policy?</p> <p>11 A No, I don't recall that. 2:18:29PM</p> <p>12 Q You don't recall who told you that? 2:18:31PM</p> <p>13 A No. 2:18:32PM</p> <p>14 Q Did George Hesse tell you that ever? 2:18:34PM</p> <p>15 A He might have. I don't know. 2:18:36PM</p> <p>16 Q Did Chief Paradiso ever tell you that? 2:18:39PM</p> <p>17 A No. 2:18:41PM</p> <p>18 Q Did you ever witness George Hesse 2:18:44PM</p> <p>19 drinking while he was on duty?</p> <p>20 A Never. 2:18:47PM</p> <p>21 Q Did you ever witness Chief Paradiso 2:18:49PM</p> <p>22 drinking while he was on duty?</p> <p>23 A No. 2:18:53PM</p> <p>24 Q Did you ever witness any of the 2:18:53PM</p> <p>25 plaintiffs in this case drinking while on duty?</p>
Page 198	Page 200
<p>1 RICHARD BOSETTI</p> <p>2 Q Do you recall anyone else who was with 2:17:13PM</p> <p>3 you?</p> <p>4 A No. I can't recall. 2:17:16PM</p> <p>5 Q Was George Hesse with you on any of 2:17:19PM</p> <p>6 those occasions?</p> <p>7 A George, no. 2:17:22PM</p> <p>8 Q Was Arnold Hardman with you on any of 2:17:23PM</p> <p>9 those occasions?</p> <p>10 A No. 2:17:27PM</p> <p>11 Q Did you ever drink while you were on 2:17:33PM</p> <p>12 duty, other than for at a barbecue?</p> <p>13 MR. NOVIKOFF: Objection. 2:17:39PM</p> <p>14 A Other than a barbecue, no. 2:17:40PM</p> <p>15 Q You never had a drink in a bar while 2:17:42PM</p> <p>16 you were on duty?</p> <p>17 A In a bar, no. In the barracks at my 2:17:46PM</p> <p>18 lunch.</p> <p>19 Q So in the barracks, you had a drink 2:17:49PM</p> <p>20 while on duty?</p> <p>21 A While on my lunch break, I had a beer. 2:17:52PM</p> <p>22 Q How many times? 2:17:55PM</p> <p>23 A More than once. 2:17:56PM</p> <p>24 Q How many times? 2:18:02PM</p> <p>25 A I don't know. If I felt like having a 2:18:03PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A At the checkpoint. 2:19:00PM</p> <p>3 Q Who did you witness drinking at the 2:19:01PM</p> <p>4 checkpoint?</p> <p>5 A Well, Kevin don't drink. Well, like 2:19:04PM</p> <p>6 we'd go out to the car and have a few beers in</p> <p>7 there after work, and the guys that were on duty</p> <p>8 would pull in and they'd grab a beer and, you</p> <p>9 know, Carter would have a beer. I think Tom</p> <p>10 Snyder had a beer. And then they'd go off to</p> <p>11 work.</p> <p>12 Q So you recall seeing Tom Snyder drink 2:19:23PM</p> <p>13 a beer prior to going to work?</p> <p>14 A Yes. 2:19:27PM</p> <p>15 Q When did that happen? 2:19:28PM</p> <p>16 A I don't know. 2:19:29PM</p> <p>17 Q How many times did it happen? 2:19:31PM</p> <p>18 A More than once. 2:19:32PM</p> <p>19 Q How many? 2:19:33PM</p> <p>20 A Less than 10. 2:19:34PM</p> <p>21 Q Somewhere between one and 10? 2:19:35PM</p> <p>22 A Yeah. Less than that even. 2:19:37PM</p> <p>23 Q What years did it happen? 2:19:38PM</p> <p>24 A I don't know. 2:19:40PM</p> <p>25 Q Did you witness Tom Snyder allegedly 2:19:46PM</p>

Page 201

Page 203

1 **RICHARD BOSETTI**
2 **drink any beer other than for at the checkpoint?**
3 A No. 2:19:52PM
4 **Q Was Tom Snyder on duty when he was at 2:19:52PM**
5 **the checkpoint?**
6 A Yes. 2:19:56PM
7 **Q How many times did you witness Ed 2:19:56PM**
8 **Carter drink beer at the checkpoint?**
9 A I can't be accurate with that. Once, 2:20:01PM
10 a couple.
11 **Q Once or a couple? 2:20:05PM**
12 A Yes. 2:20:07PM
13 **Q When did you witness him drinking the 2:20:07PM**
14 **beer?**
15 A When we'd open up the trunk, have a 2:20:10PM
16 couple of beers.
17 **Q Did you ever have a drink in the 2:20:15PM**
18 **police vehicle?**
19 A No. 2:20:17PM
20 **Q Did you ever report Ed Carter for 2:20:20PM**
21 **drinking before he went out for work?**
22 A I wouldn't do that. 2:20:24PM
23 **Q Did you ever report Tom Snyder 2:20:25PM**
24 **drinking prior to going out to work?**
25 A I wouldn't do that. 2:20:31PM

Page 202

RICHARD BOSETTI

1 **Q Why not?** 2:20:32PM

2 A Because I'm not like one of them. 2:20:33PM

3 **Q What do you mean by that?** 2:20:34PM

4 A Bogus reports, trying to get other 2:20:35PM

5 officers into trouble.

6 **Q You're not a rat like them?** 2:20:39PM

7 MR. NOVIKOFF: Objection. 2:20:41PM

8 A What's that? 2:20:46PM

9 **Q Is that what you're referring to,** 2:20:47PM

10 **you're not a rat like them?**

11 A That's not how I meant it. I'm just 2:20:50PM

12 saying if they have a hard-on for somebody, you

13 don't know what they're gonna do.

14 **Q What do you mean by that?** 2:20:57PM

15 A Goes back to the Halloween incident. 2:20:58PM

16 **Q I'm not sure what you mean by "they** 2:21:05PM

17 **have a hard-on for somebody, you don't know what**

18 **they're gonna do."**

19 A In other words, if they don't like 2:21:10PM

20 you, from what I've learned, they'd screw you.

21 **Q And your basis of that is Halloween?** 2:21:15PM

22 A Yes. 2:21:17PM

23 **Q Do you have any other basis for that** 2:21:18PM

24 **statement?**

25

Page 204

1 **RICHARD BOSETTI**

2 A I'll sleep on it tonight. I'm sure I 2:21:22PM

3 could come up with a few more. But no, not

4 right now.

5 **Q Is there anything that you can think 2:21:26PM**

6 **of that would refresh your recollection, other**

7 **than for sleep?**

8 A No. 2:21:30PM

9 **Q Isn't it true that Ed Carter had to 2:21:40PM**

10 **get the police cell phone from you at CJ's?**

11 MR. NOVIKOFF: Objection. Leading. 2:21:48PM

12 A Police cell phone from me at CJ's? 2:21:50PM

13 Sure, when I was off duty, when they're late.

14 **Q When they're late and you're off duty, 2:22:00PM**

15 **you're in CJ's?**

16 A If I'm waiting on them and my tour of 2:22:04PM

17 duty is up, then I'd stop into CJ's.

18 **Q Did you ever go into CJ's when you 2:22:09PM**

19 **were on duty, other than for police business?**

20 A Sure. 2:22:15PM

21 **Q Did you ever have a drink at CJ's -- 2:22:16PM**

22 A No. 2:22:19PM

23 **Q -- while you were on duty, other than 2:22:19PM**

24 **for -- well, strike that.**

25 **Did you ever have a drink at CJ's 2:22:20PM**

<p style="text-align: right;">Page 205</p> <p>1 RICHARD BOSETTI</p> <p>2 A No, not at all. 2:23:13PM</p> <p>3 Q So there were times that you were 2:23:15PM</p> <p>4 relieved in CJ's by the next tour while they</p> <p>5 were on time?</p> <p>6 A See, now, that's a trick question, 2:23:29PM</p> <p>7 because "on time" could be they got there 10</p> <p>8 after 12, quarter after 12, which sometimes</p> <p>9 Snyder wouldn't get to the checkpoint until a</p> <p>10 quarter after 12, which means he's 45 minutes</p> <p>11 late.</p> <p>12 Q So my question to you is: Of the many 2:23:46PM</p> <p>13 times that you've been relieved in CJ's --</p> <p>14 A Yes. 2:23:51PM</p> <p>15 Q -- by the next tour, was that a result 2:23:51PM</p> <p>16 of the next tour being late each time?</p> <p>17 A I can't answer that for sure. I don't 2:23:57PM</p> <p>18 know.</p> <p>19 Q Have you ever been relieved at CJ's at 2:24:01PM</p> <p>20 the end of your tour?</p> <p>21 A Excuse me? 2:24:04PM</p> <p>22 Q Have you ever been relieved at CJ's at 2:24:05PM</p> <p>23 12:00, at the end of your tour?</p> <p>24 A At CJ's at 12:00 at the end of the 2:24:10PM</p> <p>25 tour. Let's see. We got 15 minutes to change.</p>	<p style="text-align: right;">Page 207</p> <p>1 RICHARD BOSETTI</p> <p>2 getting dressed, and that's it.</p> <p>3 Q Were you being paid to work from 4 to 2:25:23PM</p> <p>4 12 by the Village of Ocean Beach?</p> <p>5 A Yes. 2:25:32PM</p> <p>6 Q So those times that you were having a 2:25:32PM</p> <p>7 beer prior to 12:00 at CJ's, you were on the</p> <p>8 clock, getting paid by Ocean Beach, correct?</p> <p>9 A No. No. I'm not going to answer that 2:25:40PM</p> <p>10 question again like that either.</p> <p>11 When 4 to 12 starts -- there are 2:25:44PM</p> <p>12 certain tours that they automatically call 4 to</p> <p>13 12s. You know, you might start half an hour</p> <p>14 before, get off at 11:30, that's a 4 to 12 tour.</p> <p>15 Now, just because it's 4 to 12, that doesn't</p> <p>16 mean at 11:30 I can't go upstairs, get changed</p> <p>17 and my tour is over.</p> <p>18 But if you want to use awful these 2:26:02PM</p> <p>19 bits and pieces, like oh yeah, then you were --</p> <p>20 yeah, just like he was padding the payroll,</p> <p>21 always being late and, you know, charging either</p> <p>22 Islip or Ocean Beach for the times. And I'm</p> <p>23 talking about Snyder with his other job, when he</p> <p>24 used to come in and leave early from his job and</p> <p>25 then come here, or leave late, and somebody's</p>
<p style="text-align: right;">Page 206</p> <p>1 RICHARD BOSETTI</p> <p>2 Yeah, it's possible I was in CJ's a few minutes</p> <p>3 before 12. And it's possible that if Snyder was</p> <p>4 working, maybe once in a while he was early, on</p> <p>5 time, or if other guys were working, they'd come</p> <p>6 in. Sometimes, you know, even the midnight guys</p> <p>7 even showed up on time, like 20 to, because</p> <p>8 they're supposed to get to the checkpoint at</p> <p>9 11:30. It all depends who was working. Some of</p> <p>10 the guys are prompt, some guys aren't.</p> <p>11 Q Right. But at the times that you were 2:24:42PM</p> <p>12 relieved at midnight at CJ's, what were you</p> <p>13 doing at CJ's prior to the end of your tour?</p> <p>14 A Talking, maybe having a beer. 2:24:50PM</p> <p>15 Q So you were having a beer at CJ's 2:24:52PM</p> <p>16 prior to the end of your tour?</p> <p>17 A Yes, in my civilian clothes -- not 2:24:55PM</p> <p>18 prior to the end of my -- no, no, no, no.</p> <p>19 I worked -- you start at 3:30 in the 2:25:00PM</p> <p>20 afternoon, even the times are different on the</p> <p>21 time card.. The midnight guys are supposed to</p> <p>22 start at 11:30. Now, even though you still work</p> <p>23 till 12, it's like off the record. You still do</p> <p>24 your eight hours. I got paid for eight hours,</p> <p>25 and that's it. So that in between time is for</p>	<p style="text-align: right;">Page 208</p> <p>1 RICHARD BOSETTI</p> <p>2 got to pay for those times.</p> <p>3 Q Let's focus on that allegation about 2:26:28PM</p> <p>4 Snyder for a second.</p> <p>5 What's the basis of your belief that 2:26:32PM</p> <p>6 that happened?</p> <p>7 A He'd come in in another uniform or 2:26:35PM</p> <p>8 change.</p> <p>9 Wait, I gotta take that back. He was 2:26:40PM</p> <p>10 in uniform. It might not have been in another</p> <p>11 uniform. I'm sorry, Tommy. I can't do that. I</p> <p>12 can't say that for sure. But he was in a</p> <p>13 uniform. It might have been the Ocean Beach</p> <p>14 uniform.</p> <p>15 Q So you don't know? 2:26:51PM</p> <p>16 A But he was always calling, I'm gonna 2:26:51PM</p> <p>17 be late, I'm gonna be late, I'm gonna be late.</p> <p>18 No, you don't know for sure, but come 2:26:56PM</p> <p>19 on.</p> <p>20 Q Well, come on what? I'm trying to 2:26:58PM</p> <p>21 find out what you know today. That's the</p> <p>22 purpose of this deposition. I'm not asking you</p> <p>23 what you're guessing about.</p> <p>24 A All right. 2:27:05PM</p> <p>25 Q I'm not asking you to speculate. 2:27:06PM</p>

Page 209	Page 211
<p>1 RICHARD BOSETTI</p> <p>2 A Well, you're guessing when you're 2:27:08PM</p> <p>3 asking me about this 4 to 12 stuff also.</p> <p>4 Q I'm not guessing at anything. I'm 2:27:12PM</p> <p>5 asking you questions, sir.</p> <p>6 A Yeah. I think he was padding the 2:27:15PM</p> <p>7 payroll. That's all I can say.</p> <p>8 Q And what's the basis of that 2:27:19PM</p> <p>9 allegation?</p> <p>10 A Because if he gets off of work at one 2:27:21PM</p> <p>11 place at 11:30 or 12, I don't know how he could</p> <p>12 fly over to here. He's supposed to be at the</p> <p>13 checkpoint at 11:30, but he gets there at 12 or</p> <p>14 after 12. And then sometimes we would have to</p> <p>15 wait because the late tour was -- the midnight</p> <p>16 tour was late coming in because they had to wait</p> <p>17 for Tommy.</p> <p>18 Now, look up the records. All those 2:27:45PM</p> <p>19 times he was late. How come he didn't get</p> <p>20 docked?</p> <p>21 Q Did you ever complain to anyone about 2:27:51PM</p> <p>22 that?</p> <p>23 A Everybody knew that. 2:27:53PM</p> <p>24 Q The question was whether you ever 2:27:55PM</p> <p>25 complained to anyone about that.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Names. 2:28:50PM</p> <p>3 A I can't name them for sure. 2:28:51PM</p> <p>4 Q You don't know a single guy that you 2:28:52PM</p> <p>5 complained to?</p> <p>6 A No, I can't name them for sure. If 2:28:55PM</p> <p>7 they were working with me, I'm sure they would</p> <p>8 be talking.</p> <p>9 Q Didn't you write a letter to Tom 2:29:00PM</p> <p>10 Snyder's house about that?</p> <p>11 A Never. Never. I heard about that 2:29:03PM</p> <p>12 letter.</p> <p>13 Q Who did you hear about that letter 2:29:05PM</p> <p>14 from?</p> <p>15 A Tom Snyder or George. 2:29:08PM</p> <p>16 Q We'll get to that letter a little bit 2:29:12PM</p> <p>17 later on.</p> <p>18 Did you ever have a drink inside the 2:29:15PM</p> <p>19 station, an alcoholic drink?</p> <p>20 A Off duty, yeah, I did. 2:29:21PM</p> <p>21 Q What did you drink inside the station? 2:29:22PM</p> <p>22 A Probably beer. 2:29:24PM</p> <p>23 Q Did you ever have a rocket fuel in the 2:29:25PM</p> <p>24 station?</p> <p>25 A If it was hot, maybe. 2:29:28PM</p>
Page 210	Page 212
<p>1 RICHARD BOSETTI</p> <p>2 A I never went to a boss and complained.. 2:27:59PM</p> <p>3 Q Did you ever complain to anybody about 2:28:01PM</p> <p>4 it?</p> <p>5 A Guys talking. 2:28:04PM</p> <p>6 Q Which guys? 2:28:05PM</p> <p>7 A Well, Ty Bacon's an honest guy. I'm 2:28:09PM</p> <p>8 sure when he's here next, you can ask him that.</p> <p>9 Anybody. You could ask Frank. You could ask</p> <p>10 Kevin.</p> <p>11 Q Sir, you're the one who testified that 2:28:23PM</p> <p>12 you complained to other guys about it. I asked</p> <p>13 which guys. You said I can ask Ty Bacon. That</p> <p>14 doesn't answer the question.</p> <p>15 My question is: Which guys did you 2:28:32PM</p> <p>16 complain to about your allegation that Tom</p> <p>17 Snyder was padding the payroll?</p> <p>18 A It was probably a different bunch of 2:28:36PM</p> <p>19 guys --</p> <p>20 Q Name them. 2:28:40PM</p> <p>21 A -- that were working, which I worked 2:28:41PM</p> <p>22 with different guys every 4 to 12, that were</p> <p>23 waiting for him to come in.</p> <p>24 Q Tell me the guys you complained to. 2:28:47PM</p> <p>25 A I can't tell you for sure. 2:28:49PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q What do you mean, if it was hot, 2:29:30PM</p> <p>3 maybe?</p> <p>4 A If it was rocket fuel, you know, if 2:29:33PM</p> <p>5 you felt like having something ice cold, when I</p> <p>6 was off duty, I would have a rocket fuel.</p> <p>7 Q What is rocket fuel? 2:29:42PM</p> <p>8 A I think it's Bacardi rum, coconut 2:29:43PM</p> <p>9 juice and slushed ice.</p> <p>10 Q Who delivered the rocket fuel to the 2:29:50PM</p> <p>11 station?</p> <p>12 A Picked them up. 2:29:54PM</p> <p>13 Q Who picked them up? 2:29:55PM</p> <p>14 A I did. 2:29:56PM</p> <p>15 Q So you picked them up and brought them 2:29:56PM</p> <p>16 back to the station?</p> <p>17 A Yes. 2:29:59PM</p> <p>18 Q Where did you pick them up from? 2:29:59PM</p> <p>19 A CJ's. 2:30:01PM</p> <p>20 Q Paul Conway ever deliver rocket fuel 2:30:03PM</p> <p>21 to the station?</p> <p>22 A Who? 2:30:07PM</p> <p>23 Q Paul Conway? 2:30:07PM</p> <p>24 A Paul Conway? Paul Conway.. No, I 2:30:09PM</p> <p>25 don't recall Paul Conway ever bringing them to</p>

Page 213

1 RICHARD BOSETTI

2 the station.

3 Q Do you know who Paul Conway is? 2:30:16PM

4 A If it's little Paulie, yes. I knew 2:30:18PM

5 them since they were kids.

6 Q Did he ever work at CJ's, Paul Conway? 2:30:22PM

7 A Yeah. 2:30:25PM

8 Q Do you recall him ever delivering 2:30:26PM

9 rocket fuels to the station?

10 A No. 2:30:28PM

11 Q Who paid for the rocket fuels? 2:30:28PM

12 A I have no idea. Well, if I bought 2:30:30PM

13 them, I paid for them, you know. But if anybody

14 else came in with them, I guess they paid for

15 them.

16 Q Did you ever bring any rocket fuels 2:30:39PM

17 back to the station for other people to drink?

18 A You know what, I think I brought one 2:30:48PM

19 in for Dave Gurden. G-U-R-D-E-N.

20 Q When did you bring in a rocket fuel 2:31:01PM

21 for Mr. Gurden?

22 A He wanted one. 2:31:05PM

23 Q When did you bring it in for him? 2:31:06PM

24 A I don't know. 2:31:08PM

25 Q You don't recall what year it was? 2:31:08PM

Page 214

1 RICHARD BOSETTI

2 A He worked there one -- he worked there 2:31:10PM

3 two years, so you gotta figure out what years he

4 worked there.

5 Q Did you ever witness anyone else drink 2:31:16PM

6 rocket fuels in the station other than for

7 yourself and Mr. Gurden?

8 A There probably was, but I don't know 2:31:22PM

9 who.

10 Q When you drank those rocket fuels in 2:31:25PM

11 the station, were you in uniform?

12 MR. NOVIKOFF: Objection. 2:31:30PM

13 A Yeah. No, I don't think so. 2:31:31PM

14 Q You don't know one way or the other? 2:31:33PM

15 A Because if I was in uniform, I'd still 2:31:35PM

16 be working.

17 Q My question is: You don't recall one 2:31:38PM

18 way or the other whether you were in uniform?

19 A No. No. But I was off duty.. 2:31:42PM

20 Q How many times did you drink rocket 2:31:51PM

21 fuel in the station?

22 A I don't know. 2:31:55PM

23 Q Did you ever witness George Hesse 2:31:57PM

24 drink rocket fuel in the station?

25 A Never. 2:32:00PM

Page 215

1 RICHARD BOSETTI

2 Q Did you ever hear of the plaintiffs or 2:32:03PM

3 any of the plaintiffs complaining that they had

4 to clean up the station from the cups that were

5 left from the rocket fuels?

6 A I complained of these guys chowing 2:32:11PM

7 down with their pizzas and leaving boxes of crap

8 all over the place, and we had to come in the

9 next day. They never emptied the garbage. They

10 never cleaned the barracks.

11 Q Sir, I'll ask the question again.. 2:32:25PM

12 Did you ever whether any of the 2:32:27PM

13 plaintiffs complained about the fact that they

14 had to clean up the cups of rocket fuel that

15 were left behind?

16 A No. 2:32:34PM

17 Q You never heard that? 2:32:34PM

18 A No. 2:32:35PM

19 Q How many times -- did I ask -- how 2:32:43PM

20 many times did you drink rocket fuel in the

21 station?

22 A I don't know. 2:32:50PM

23 Q Approximately? 2:32:51PM

24 A I don't know. 2:32:51PM

25 Q Under 10? 2:32:52PM

Page 216

1 RICHARD BOSETTI

2 A 110? 2:32:53PM

3 MR. NOVIKOFF: Objection. 2:32:54PM

4 MR. GOODSTADT: 2:32:55PM

5 Q Under 10? 2:32:55PM

6 A Maybe more than one. 2:32:57PM

7 Q Did you ever drink more than one 2:33:00PM

8 rocket fuel in one sitting at the station?

9 A At the station, no. 2:33:04PM

10 Q How many times did you drink beer at 2:33:07PM

11 the station?

12 MR. NOVIKOFF: In the station house? 2:33:09PM

13 MR. GOODSTADT: Yeah, in the police 2:33:11PM

14 station house.

15 A Off duty, a few times. 2:33:16PM

16 Q How many is a few? 2:33:20PM

17 A More than 10. 2:33:21PM

18 Q More than 20? 2:33:24PM

19 A Nah. 2:33:28PM

20 Q Were you in uniform at any of those 2:33:35PM

21 times that you drank beer at the station?

22 A Not that I know of. 2:33:40PM

23 Q So you don't recall one way or the 2:33:41PM

24 other?

25 A No. 2:33:43PM

Page 217	Page 219
<p>1 RICHARD BOSETTI</p> <p>2 Q And the -- are there any policies 2:33:44PM</p> <p>3 about drinking alcohol in the station?</p> <p>4 A I don't know. 2:33:48PM</p> <p>5 Q So you don't know one way or the 2:33:49PM</p> <p>6 other?</p> <p>7 A I don't know. 2:33:51PM</p> <p>8 Q Did you ever drink a rocket fuel in 2:33:52PM</p> <p>9 the station prior to going on duty?</p> <p>10 A Nah. 2:34:00PM</p> <p>11 Q You don't recall one way or the other? 2:34:01PM</p> <p>12 A No. 2:34:03PM</p> <p>13 Q I believe you testified before that 2:34:04PM</p> <p>14 you would drink a beer at times with your lunch</p> <p>15 prior to going on duty. Did you ever drink a</p> <p>16 beer at the station prior to going on duty?</p> <p>17 A No. I would say no. 2:34:15PM</p> <p>18 Q Did you ever have more than one beer 2:34:17PM</p> <p>19 prior to going on duty?</p> <p>20 A Prior to going on duty? 2:34:20PM</p> <p>21 Q Yes. 2:34:22PM</p> <p>22 A No. 2:34:24PM</p> <p>23 Q And I believe you testified that you 2:34:27PM</p> <p>24 never drank in the police truck; is that</p> <p>25 correct?</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q How many times did that happen? 2:35:14PM</p> <p>3 A Every time I stayed over. 2:35:17PM</p> <p>4 Q How many times did you stay over? 2:35:22PM</p> <p>5 A Maybe twice a month. 2:35:26PM</p> <p>6 Q Did you ever drink rocket fuels in the 2:35:34PM</p> <p>7 barracks?</p> <p>8 MR. NOVIKOFF: Objection. 2:35:36PM</p> <p>9 A It's possible. 2:35:37PM</p> <p>10 Q Possible? 2:35:40PM</p> <p>11 A It's possible, yeah. 2:35:40PM</p> <p>12 Q Did you ever drink beer in the 2:35:41PM</p> <p>13 barracks?</p> <p>14 A Oh, yeah. 2:35:43PM</p> <p>15 Q How many times? 2:35:44PM</p> <p>16 A Whenever I stayed over. 2:35:48PM</p> <p>17 Q Who did you drink beer with in the 2:35:49PM</p> <p>18 barracks?</p> <p>19 A Well, if my brother was with me, he 2:35:56PM</p> <p>20 may have had a beer. I can't honestly say I saw</p> <p>21 any 4-to-12 guys have a beer in the barracks --</p> <p>22 I mean the midnight guys have a beer in the</p> <p>23 barracks with me. That's it. Oh, maybe Lonny.</p> <p>24 Q Lonny Augenbaugh? 2:36:17PM</p> <p>25 A Yeah. 2:36:20PM</p>
Page 218	Page 220
<p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Objection. 2:34:32PM</p> <p>3 A Right. 2:34:33PM</p> <p>4 Q And you don't recall a time where you 2:34:34PM</p> <p>5 reached out the window and offered someone from</p> <p>6 the Suffolk County Police Department marine</p> <p>7 bureau a beer through the window of your truck?</p> <p>8 A Offered another cop a beer? 2:34:46PM</p> <p>9 Q An officer from the marine bureau, 2:34:48PM</p> <p>10 yes.</p> <p>11 MR. NOVIKOFF: Is the question do you 2:34:50PM</p> <p>12 recall?</p> <p>13 MR. GOODSTADT: Yeah. 2:34:52PM</p> <p>14 BY MR. GOODSTADT: 2:34:52PM</p> <p>15 Q Do you recall whether that happened? 2:34:52PM</p> <p>16 A No. 2:34:54PM</p> <p>17 Q Did you ever hear plaintiffs complain 2:34:59PM</p> <p>18 that they were required to clean up the truck</p> <p>19 that had beer cans left in it?</p> <p>20 A No. 2:35:06PM</p> <p>21 Q Never heard that? 2:35:06PM</p> <p>22 A No. 2:35:07PM</p> <p>23 Q You testified that you at times drank 2:35:10PM</p> <p>24 in the barracks; is that correct?</p> <p>25 A Yes. 2:35:13PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q I think it's A-U-G-E-N-B-A-U-G-H. 2:36:20PM</p> <p>3 A That's a hard one. 2:36:27PM</p> <p>4 MR. NOVIKOFF: Andrew, just tell me 2:36:29PM</p> <p>5 when you're done with the alcohol line of</p> <p>6 questioning. I have to make a phone call.</p> <p>7 MR. GOODSTADT: Okay. 2:36:34PM</p> <p>8 BY MR. GOODSTADT: 2:36:34PM</p> <p>9 Q During the times that you drank beer 2:36:35PM</p> <p>10 at the station, how did you get that beer? Did</p> <p>11 you bring it yourself to the station?</p> <p>12 A No. No. 2:36:44PM</p> <p>13 Q How did you get that beer? 2:36:45PM</p> <p>14 A That was usually -- it was beer that 2:36:46PM</p> <p>15 was -- that was confiscated.</p> <p>16 Q So you drank that beer -- you drank 2:36:54PM</p> <p>17 beer that police officers confiscated from</p> <p>18 minors or people on the beach that weren't</p> <p>19 supposed to have beers, et cetera?</p> <p>20 MR. CONNOLLY: Objection. 2:37:06PM</p> <p>21 A Right. Right. 2:37:07PM</p> <p>22 Q Was there any policy with what was 2:37:08PM</p> <p>23 supposed to happen with that beer?</p> <p>24 A No. 2:37:11PM</p> <p>25 Q So it was your understanding that that 2:37:12PM</p>

Page 221	Page 223
<p>1 RICHARD BOSETTI</p> <p>2 was just free to drink?</p> <p>3 A Yeah. Properly. I'm off duty. 2:37:15PM</p> <p>4 Q Did you ever request a specific brand 2:37:21PM</p> <p>5 of beer to be brought back?</p> <p>6 A Frank asked me what kind of beer I 2:37:25PM</p> <p>7 want.</p> <p>8 Q Frank asked you what kind of beer you 2:37:27PM</p> <p>9 want?</p> <p>10 A Yes. I'll get you beer tonight. I'll 2:37:30PM</p> <p>11 get you guys beer tonight.</p> <p>12 Q Did you respond to him when he asked 2:37:34PM</p> <p>13 you that question?</p> <p>14 A I don't remember what I responded to. 2:37:36PM</p> <p>15 All I said was, yeah, sure.</p> <p>16 Q When did that happen, that he asked 2:37:42PM</p> <p>17 you what kind of beer you wanted?</p> <p>18 A I don't know. 2:37:46PM</p> <p>19 Q Do you recall what year it was? 2:37:46PM</p> <p>20 A The first few years. 2:37:48PM</p> <p>21 Q Was anyone else present there? 2:37:51PM</p> <p>22 A Excuse me? 2:37:53PM</p> <p>23 Q Was anyone else present when he 2:37:53PM</p> <p>24 allegedly asked you that?</p> <p>25 A I don't know. 2:37:57PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 and go out after, drinking?</p> <p>3 A Yes. 2:38:47PM</p> <p>4 Q And you would go out drinking at bars 2:38:47PM</p> <p>5 in Ocean Beach?</p> <p>6 A Yes. 2:38:50PM</p> <p>7 Q Which bars did you frequent? 2:38:50PM</p> <p>8 A CJ's, the one at the end that I can't 2:38:52PM</p> <p>9 think of its name for some reason, McGuire's.</p> <p>10 The Albatross, I didn't like. That's about it.</p> <p>11 Q Houser's? 2:39:10PM</p> <p>12 A Houser's. 2:39:11PM</p> <p>13 Q Mermaid? 2:39:15PM</p> <p>14 A I'm sorry. The Albatross, I liked. I 2:39:18PM</p> <p>15 got the bars mixed up. The Mermaid is the one I</p> <p>16 didn't like.</p> <p>17 Q So you went out to the Albatross as 2:39:25PM</p> <p>18 well?</p> <p>19 A Yeah. 2:39:28PM</p> <p>20 Q Is there any policy regarding off-duty 2:39:28PM</p> <p>21 police officers drinking in the village?</p> <p>22 A I don't know. 2:39:33PM</p> <p>23 Q Nobody ever told you one way or the 2:39:34PM</p> <p>24 other about a policy?</p> <p>25 A No. 2:39:37PM</p>
Page 222	Page 224
<p>1 RICHARD BOSETTI</p> <p>2 Q On the nights that you stayed over and 2:38:03PM</p> <p>3 drank in the barracks --</p> <p>4 A Yes. 2:38:08PM</p> <p>5 Q -- how many drinks would you have each 2:38:08PM</p> <p>6 night there?</p> <p>7 A In the barracks? 2:38:13PM</p> <p>8 Q Yes. 2:38:14PM</p> <p>9 A Maybe a couple. 2:38:15PM</p> <p>10 Q And that would be in addition to 2:38:16PM</p> <p>11 whatever you drank before coming back to the</p> <p>12 barracks?</p> <p>13 A No, there was no before. If I stayed 2:38:21PM</p> <p>14 over, I went up to the barracks, had a couple of</p> <p>15 drinks, changed my clothes and went out. In</p> <p>16 other words, we were there for the night, we'd</p> <p>17 go out.</p> <p>18 Q Then you'd go out drinking after that? 2:38:31PM</p> <p>19 A Yeah. 2:38:33PM</p> <p>20 Q How many times did that happen? 2:38:33PM</p> <p>21 MR. NOVIKOFF: That he stayed at the 2:38:35PM</p> <p>22 barracks or they went out drinking?</p> <p>23 A A couple of times a month. 2:38:38PM</p> <p>24 Q A couple of the times a month, you 2:38:40PM</p> <p>25 would stay and have some drinks at the barracks</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Did you ever discuss that issue at 2:39:47PM</p> <p>3 all, the issue of drinking in bars while you</p> <p>4 were off duty, with Chief Paradiso?</p> <p>5 A No. 2:39:55PM</p> <p>6 Q Did you ever discuss the issue at all 2:39:55PM</p> <p>7 with George Hesse?</p> <p>8 A Yes. 2:39:59PM</p> <p>9 Q How many times? 2:40:00PM</p> <p>10 A The very end of last year. He said, I 2:40:00PM</p> <p>11 really don't want you guys hanging out out here.</p> <p>12 Q Did he tell you why? 2:40:06PM</p> <p>13 A No. Just that, you know, just I guess 2:40:07PM</p> <p>14 it was a good policy. So we really didn't go</p> <p>15 out that last year.</p> <p>16 Q What do you mean by it was a good 2:40:17PM</p> <p>17 policy?</p> <p>18 MR. NOVIKOFF: Objection. 2:40:19PM</p> <p>19 A Yeah, I guess he didn't want the cops 2:40:20PM</p> <p>20 hanging out in the bars after work.</p> <p>21 Q And that was at the end of the '07 2:40:25PM</p> <p>22 season?</p> <p>23 A Yes. 2:40:28PM</p> <p>24 Q Prior to that, did you ever speak to 2:40:29PM</p> <p>25 him about drinking in the bars in Ocean Beach</p>

<p style="text-align: right;">Page 225</p> <p>1 RICHARD BOSETTI</p> <p>2 while you were off duty?</p> <p>3 A No. Probably after the Houser's 2:40:37PM</p> <p>4 incident, he might have gotten a little bent. I</p> <p>5 wish you guys didn't go out and stuff like that.</p> <p>6 Small talk.</p> <p>7 MR. NOVIKOFF: Can you just read that 2:40:53PM</p> <p>8 answer back.</p> <p>9 (Whereupon, the requested portion was 2:41:08PM</p> <p>10 read back by the court reporter: No.</p> <p>11 Probably after the Houser's incident he</p> <p>12 might have gotten a little bent. I wish you</p> <p>13 guys didn't go out and stuff like that.</p> <p>14 Small talk.)</p> <p>15 Q Did he instruct you not to go out? 2:41:10PM</p> <p>16 A Yeah, the last year. 2:41:12PM</p> <p>17 Q I'm talking about after the 2:41:13PM</p> <p>18 Houser's -- the Houser's incident is the</p> <p>19 Halloween incident, correct?</p> <p>20 A Yes. 2:41:18PM</p> <p>21 Q That was in '04, right? 2:41:18PM</p> <p>22 A Yes. 2:41:19PM</p> <p>23 Q Did he instruct you in '04, '05 not to 2:41:19PM</p> <p>24 go out to the bars?</p> <p>25 MR. NOVIKOFF: "You" being Mr. Bosetti 2:41:25PM</p>	<p style="text-align: right;">Page 227</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Meaning did you leave the bars and 2:42:12PM</p> <p>3 then go home?</p> <p>4 A Yeah. 2:42:15PM</p> <p>5 Q And how did you get out to the 2:42:15PM</p> <p>6 checkpoint on those nights?</p> <p>7 A Someone would drive us. 2:42:19PM</p> <p>8 Q The cops that were on duty would drive 2:42:20PM</p> <p>9 you?</p> <p>10 A Yeah. 2:42:22PM</p> <p>11 Q Were they required to do that? 2:42:23PM</p> <p>12 A If I want to get off the island, you 2:42:24PM</p> <p>13 know, yeah. It wasn't -- it was courtesy.</p> <p>14 Q Do you know who instructed them to do 2:42:31PM</p> <p>15 it?</p> <p>16 A No, I don't know. 2:42:33PM</p> <p>17 MR. NOVIKOFF: Objection. 2:42:34PM</p> <p>18 A There was no written rule that they 2:42:34PM</p> <p>19 have to do that.</p> <p>20 Q Were there ever any verbal 2:42:38PM</p> <p>21 instructions that they should do that?</p> <p>22 A No. 2:42:41PM</p> <p>23 Q How would they know when it would be 2:42:43PM</p> <p>24 time to come pick you up and take you off the</p> <p>25 island?</p>
<p style="text-align: right;">Page 226</p> <p>1 RICHARD BOSETTI</p> <p>2 or the police in general?</p> <p>3 BY MR. GOODSTADT: 2:41:29PM</p> <p>4 Q Why don't we start with you. 2:41:29PM</p> <p>5 A It was around that time when he said, 2:41:30PM</p> <p>6 you know, I wish you guys wouldn't go out after</p> <p>7 work.</p> <p>8 Q Did he express a desire and his wish, 2:41:32PM</p> <p>9 or did he actually say you guys shouldn't go</p> <p>10 out?</p> <p>11 A No, he didn't say you guys can't go 2:41:38PM</p> <p>12 out. It wasn't on order like that.</p> <p>13 Q Did you follow his wish or did you 2:41:44PM</p> <p>14 still go out?</p> <p>15 A Slowed down. 2:41:48PM</p> <p>16 Q But then -- 2:41:49PM</p> <p>17 A Then the last year, I didn't go out 2:41:50PM</p> <p>18 anymore.</p> <p>19 Q But '05, '06, you did? 2:41:53PM</p> <p>20 A Yeah, but not as much as '03 and '04. 2:41:55PM</p> <p>21 Q And when you left the bars, were there 2:41:58PM</p> <p>22 nights where you went out to the bars and didn't</p> <p>23 stay over?</p> <p>24 A Went out to the bars and didn't stay 2:42:09PM</p> <p>25 over.</p>	<p style="text-align: right;">Page 228</p> <p>1 RICHARD BOSETTI</p> <p>2 A I'd go into the precinct and say can 2:42:49PM</p> <p>3 we get a ride off.</p> <p>4 MR. NOVIKOFF: I'm sorry, what was 2:42:53PM</p> <p>5 that answer? You had your hand up.</p> <p>6 A I'd go into the precinct and say can 2:42:57PM</p> <p>7 we get a ride off.</p> <p>8 Q How many times did that occur? 2:43:00PM</p> <p>9 A I don't know. Five or six. I'm 2:43:06PM</p> <p>10 guessing at these things, you know, so...</p> <p>11 Q How long did it take to get off the 2:43:12PM</p> <p>12 island or get to the checkpoint, I should say?</p> <p>13 A If they took the outside route, nine 2:43:17PM</p> <p>14 minutes. If they took the inside route, 20</p> <p>15 minutes.</p> <p>16 Q So somewhere between 18 minutes and 2:43:28PM</p> <p>17 40 minutes round-trip?</p> <p>18 A Yeah. 2:43:34PM</p> <p>19 Q Depending on what route they took? 2:43:34PM</p> <p>20 A Uh-huh. 2:43:36PM</p> <p>21 Q How many officers would take you? 2:43:37PM</p> <p>22 A One. 2:43:39PM</p> <p>23 Q How many officers worked that shift? 2:43:40PM</p> <p>24 MR. NOVIKOFF: Objection. 2:43:42PM</p> <p>25 A Yeah, if it was the middle of the busy 2:43:43PM</p>

57 (Pages 225 to 228)

Page 229	Page 231
<p>1 RICHARD BOSETTI</p> <p>2 season, a good amount.</p> <p>3 Q How many is a good amount? 2:43:49PM</p> <p>4 A Five, six. 2:43:53PM</p> <p>5 Q So one of the officers who was to be 2:43:54PM</p> <p>6 patrolling the village would leave for 18 to 40</p> <p>7 minutes to take you --</p> <p>8 A Uh-huh. 2:44:02PM</p> <p>9 Q -- to the checkpoint? 2:44:02PM</p> <p>10 A Yeah. 2:44:04PM</p> <p>11 Q Did you ever hear that in any of the 2:44:10PM</p> <p>12 plaintiffs' complaints, about having to take you</p> <p>13 checkpoint.</p> <p>14 A Complainants' complaint? 2:44:18PM</p> <p>15 Q Any of the Plaintiffs' complaints. 2:44:19PM</p> <p>16 A Yeah, sometimes you gotta pull them 2:44:19PM</p> <p>17 out of bed.</p> <p>18 Q What do you mean by that? 2:44:22PM</p> <p>19 A They'd be in the barracks sleeping by 2:44:23PM</p> <p>20 three --</p> <p>21 Q Who would be in the barracks sleeping? 2:44:26PM</p> <p>22 A Well, not Kevin. Frank, not so much 2:44:28PM</p> <p>23 either. They were too busy being out there</p> <p>24 giving their summonses. Snyder and Carter, they</p> <p>25 were like, boom, into the barracks.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Halloween incident. They were there all night,</p> <p>3 and then when the crap hit the fan, they were</p> <p>4 probably -- I wasn't a witness to this, but they</p> <p>5 were probably in the barracks sleeping.</p> <p>6 Q Sir, is it your testimony that they 2:45:29PM</p> <p>7 were on duty the night of the Halloween</p> <p>8 incident?</p> <p>9 A They were on duty. 2:45:34PM</p> <p>10 Q That Carter was on duty the night of 2:45:35PM</p> <p>11 the Halloween incident?</p> <p>12 A Not Carter. Snyder was on duty. 2:45:37PM</p> <p>13 Q But Snyder was at the bar, wasn't he, 2:45:39PM</p> <p>14 after the police were called?</p> <p>15 A He responded. 2:45:43PM</p> <p>16 Q Right. 2:45:44PM</p> <p>17 A And if you read some of the reports, 2:45:44PM</p> <p>18 it took a long time for them to come.</p> <p>19 Q What reports? 2:45:47PM</p> <p>20 A Statements. There were a couple of 2:45:48PM</p> <p>21 statements there they make that -- they made</p> <p>22 that statement.</p> <p>23 Q Who made that statement? 2:45:51PM</p> <p>24 A I don't know. You have to read the 2:45:52PM</p> <p>25 reports. You got the copies, I think, sir.</p>
Page 230	Page 232
<p>1 RICHARD BOSETTI</p> <p>2 Q How many times -- 2:44:39PM</p> <p>3 A Why do you think they'd dislike us, 2:44:41PM</p> <p>4 because we'd come in at 3:30 in the morning and</p> <p>5 wake them up.</p> <p>6 Q How many times did you see Mr. Carter 2:44:47PM</p> <p>7 sleeping in the barracks?</p> <p>8 A Numerous. 2:44:51PM</p> <p>9 Q How many? 2:44:52PM</p> <p>10 A More than 10.. 2:44:52PM</p> <p>11 Q How many? 2:44:54PM</p> <p>12 A I can't say. I can't say for sure. 2:44:56PM</p> <p>13 Q More than 20? 2:44:57PM</p> <p>14 A Let's keep it at more than 10. 2:45:01PM</p> <p>15 Q While he was on duty? 2:45:03PM</p> <p>16 A Yes. 2:45:05PM</p> <p>17 Q In his uniform? 2:45:05PM</p> <p>18 A Yes. 2:45:06PM</p> <p>19 Q Did you ever complain to anyone about 2:45:07PM</p> <p>20 it?</p> <p>21 A Everybody knew. 2:45:09PM</p> <p>22 Q What do you mean, everybody knew? 2:45:10PM</p> <p>23 A Everybody knew that they'd come in and 2:45:12PM</p> <p>24 go to bed. They might stay up a couple of hours</p> <p>25 and then -- that's why they weren't there the</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q It's your testimony that Mr. Snyder 2:45:56PM</p> <p>3 was sleeping in the barracks at that time?</p> <p>4 A I didn't see him sleeping in the 2:46:00PM</p> <p>5 barracks. I just know what goes on. And they</p> <p>6 were there all night, and all of a sudden they</p> <p>7 disappeared.</p> <p>8 Q Is it true that Tom Snyder -- 2:46:06PM</p> <p>9 MR. NOVIKOFF: Whoa, whoa. Was he 2:46:09PM</p> <p>10 done with his answer?</p> <p>11 THE WITNESS: That's all right, I'll 2:46:12PM</p> <p>12 stop there.</p> <p>13 BY MR. GOODSTADT: 2:46:13PM</p> <p>14 Q Isn't it true that Tom Snyder actually 2:46:14PM</p> <p>15 picked up the cell phone when one of the calls</p> <p>16 came in?</p> <p>17 MR. NOVIKOFF: Objection. 2:46:16PM</p> <p>18 A Yeah, he sleeps with it. 2:46:17PM</p> <p>19 Q He sleeps with the cell phone? 2:46:18PM</p> <p>20 A Yeah. What you do is you take the 2:46:20PM</p> <p>21 phone from the precinct, you forward all the</p> <p>22 calls to the precinct cell phone. Then you go</p> <p>23 up, you go to sleep; and when the thing rings,</p> <p>24 you get up out of the bed and answer your call.</p> <p>25 Q Was Mr. Fiorillo and Mr. Lamm in the 2:46:30PM</p>

<p style="text-align: right;">Page 233</p> <p>1 RICHARD BOSETTI</p> <p>2 barracks too that night? Is that your</p> <p>3 testimony?</p> <p>4 A I didn't see them in the barracks, 2:46:35PM</p> <p>5 because I wasn't up in the barracks. But one</p> <p>6 thing I can honestly say is Kevin, I never</p> <p>7 really seen sleep and Frank maybe a couple of</p> <p>8 times maybe laying down, but that ain't even</p> <p>9 enough to complain about.</p> <p>10 Q But Carter was enough to complain 2:46:50PM</p> <p>11 about?</p> <p>12 A Carter and Snyder are always sleeping. 2:46:52PM</p> <p>13 MR. NOVIKOFF: Note my objection to 2:46:54PM</p> <p>14 the question, only because I don't think he</p> <p>15 ever said he complained about it.</p> <p>16 MR. GOODSTADT: That's what I'm going 2:46:59PM</p> <p>17 to ask.</p> <p>18 BY MR. GOODSTADT: 2:47:01PM</p> <p>19 Q You insinuated that it was enough to 2:47:02PM</p> <p>20 complain about. But you didn't complain did</p> <p>21 you, about Snyder sleeping or Carter sleeping?</p> <p>22 A No. Everybody knew about it. It was 2:47:05PM</p> <p>23 well known.</p> <p>24 Q Well known by who? 2:47:10PM</p> <p>25 A By the chief, by the other cops, 2:47:11PM</p>	<p style="text-align: right;">Page 235</p> <p>1 RICHARD BOSETTI</p> <p>2 Q How do you know that? 2:47:50PM</p> <p>3 A Because it was a joke. 2:47:50PM</p> <p>4 Q Did you ever joke with George Hesse 2:47:52PM</p> <p>5 about it?</p> <p>6 A Probably. 2:47:54PM</p> <p>7 Q You just said you never discussed it 2:47:55PM</p> <p>8 with him at any point in time.</p> <p>9 A Laughing, where were they last night, 2:47:59PM</p> <p>10 probably up there, is one thing. But going up</p> <p>11 to him and saying, excuse me, excuse me, Chief,</p> <p>12 excuse me, Sergeant, we got a real problem here,</p> <p>13 if you mean that by discussion, no. But joking</p> <p>14 around about it, yes.</p> <p>15 Q I mean any discussion at any point in 2:48:10PM</p> <p>16 time, jokes, serious --</p> <p>17 A Jokes, yeah. 2:48:14PM</p> <p>18 Q -- formal complaint, informal 2:48:13PM</p> <p>19 complaint.</p> <p>20 A Jokes. 2:48:16PM</p> <p>21 Q How many times did you joke around 2:48:17PM</p> <p>22 about it?</p> <p>23 A Oh great. More than 10. 2:48:19PM</p> <p>24 Q Did George Hesse ever discipline 2:48:23PM</p> <p>25 either of them for it, do you know?</p>
<p style="text-align: right;">Page 234</p> <p>1 RICHARD BOSETTI</p> <p>2 everybody.</p> <p>3 Q Well known by Chief Paradiso? 2:47:14PM</p> <p>4 A As a matter of fact, the villages knew 2:47:17PM</p> <p>5 it that after a certain time, the cops were up</p> <p>6 there sleeping.</p> <p>7 Q The question was whether it was well 2:47:24PM</p> <p>8 known by Chief Paradiso. Is that your</p> <p>9 testimony?</p> <p>10 A I'm sure it was. He may not admit it. 2:47:26PM</p> <p>11 Q What is the basis for your belief that 2:47:28PM</p> <p>12 it was well known by Chief Paradiso that Snyder</p> <p>13 and Carter would sleep in the barracks during</p> <p>14 their shift?</p> <p>15 A Because if he didn't know, he'd have 2:47:35PM</p> <p>16 to be like the commander of F Troop.. I mean, it</p> <p>17 happens all around you, you know. Just he's the</p> <p>18 chief. He would know that.</p> <p>19 Q Did you ever discuss it with him? 2:47:42PM</p> <p>20 A No. 2:47:44PM</p> <p>21 Q Did you ever discuss it with George 2:47:44PM</p> <p>22 Hesse?</p> <p>23 A No. 2:47:46PM</p> <p>24 Q Did George Hesse know about it? 2:47:47PM</p> <p>25 A Sure. 2:47:49PM</p>	<p style="text-align: right;">Page 236</p> <p>1 RICHARD BOSETTI</p> <p>2 A Not to my recollection. 2:48:28PM</p> <p>3 Q Do you know whether they were ever 2:48:29PM</p> <p>4 spoken to about it by George Hesse?</p> <p>5 A I don't know what George Hesse told 2:48:33PM</p> <p>6 them.</p> <p>7 Q Do you know whether the chief ever 2:48:40PM</p> <p>8 disciplined Carter or Snyder for allegedly</p> <p>9 sleeping?</p> <p>10 A That, I don't know. 2:48:46PM</p> <p>11 Q Well, you were found sleeping and 2:48:46PM</p> <p>12 ultimately terminated for it, right?</p> <p>13 A Sure. 2:48:49PM</p> <p>14 MR. NOVIKOFF: Objection. 2:48:49PM</p> <p>15 A But I wasn't sleeping. And I already 2:48:50PM</p> <p>16 explained that to you, and I won my case.</p> <p>17 Q Understood. But the first incident 2:48:54PM</p> <p>18 that somebody believed you were sleeping on</p> <p>19 tour, you were fired for it, correct?</p> <p>20 A Yeah. Ain't that something? That one 2:49:01PM</p> <p>21 time, if I was sleeping, I would get fired for</p> <p>22 that. Meanwhile, everybody knows that the damn</p> <p>23 12 midnight guys were sleeping all the time.</p> <p>24 Tell me the mayor didn't have a little bit of a</p> <p>25 hard-on for me.</p>

<p style="text-align: right;">Page 237</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Is it possible that -- well, none of 2:49:16PM</p> <p>3 the plaintiffs were still employed there --</p> <p>4 A Nobody gets fired -- 2:49:19PM</p> <p>5 Q None of the plaintiffs were still 2:49:18PM</p> <p>6 employed there on the day you were fired, right?</p> <p>7 A Right, right, right. But there's not 2:49:23PM</p> <p>8 a cop around, not a cop around in Suffolk</p> <p>9 County, you live in Suffolk, that don't visit a</p> <p>10 firehouse. Okay? But the thing that I did was</p> <p>11 I told the guy at the desk I was taking a break,</p> <p>12 a nap or whatever. All right? I did not go to</p> <p>13 sleep. I was laying down, reading the small</p> <p>14 script across Fox News, and I had my</p> <p>15 prescription glasses on to see them. The mayor</p> <p>16 walked in, hey, Joey. The guy just had the</p> <p>17 hard-on for me. He wanted me. Just like Al</p> <p>18 Capone, they got him on tax evasion, they got me</p> <p>19 for that.</p> <p>20 Q Mayor Loeffler had a hard-on for you 2:49:59PM</p> <p>21 also?</p> <p>22 A Yeah. You read the script from my 2:50:04PM</p> <p>23 unemployment. The guy just didn't like us, from</p> <p>24 day one.</p> <p>25 Q Mayor Loeffler didn't like you? 2:50:09PM</p>	<p style="text-align: right;">Page 239</p> <p>1 RICHARD BOSETTI</p> <p>2 forgot his last name. He's a New York City cop.</p> <p>3 He came over. That's like his pet.</p> <p>4 Q Joe Dediminico? 2:51:10PM</p> <p>5 A Joe Dediminico, yeah, the brownnose. 2:51:12PM</p> <p>6 That's about it.</p> <p>7 Q Did he have a hard-on for the 2:51:16PM</p> <p>8 plaintiffs in this case?</p> <p>9 A No. 2:51:21PM</p> <p>10 MR. NOVIKOFF: Objection. 2:51:22PM</p> <p>11 A You want to know why? The same thing, 2:51:23PM</p> <p>12 Paradiso didn't. As much summons as you can is</p> <p>13 good enough for us.</p> <p>14 Q So it's your understanding that 2:51:29PM</p> <p>15 Paradiso wanted the plaintiffs to write a lot of</p> <p>16 summons?</p> <p>17 A Yeah. 2:51:34PM</p> <p>18 Q And that Trustee Loeffler wanted the 2:51:34PM</p> <p>19 plaintiffs to write a lot of summons?</p> <p>20 A Yeah. 2:51:39PM</p> <p>21 Q How about Mayor Rogers, do you know 2:51:40PM</p> <p>22 what her position was on that?</p> <p>23 A No. 2:51:44PM</p> <p>24 Q Did Trustee Rogers or subsequently 2:51:45PM</p> <p>25 Mayor Rogers ever tell you that you should write</p>
<p style="text-align: right;">Page 238</p> <p>1 RICHARD BOSETTI</p> <p>2 A No. 2:50:12PM</p> <p>3 Q How do you know that? 2:50:13PM</p> <p>4 A Because from the time he was an EMT 2:50:14PM</p> <p>5 out in the village, he never really gave us the</p> <p>6 right time of day.</p> <p>7 Q What do you mean by that? 2:50:20PM</p> <p>8 A No small talk, no nothing. 2:50:21PM</p> <p>9 Q Did you ever try to engage in small 2:50:23PM</p> <p>10 talk with him?</p> <p>11 A Sure. 2:50:26PM</p> <p>12 Q What did he do, just walk away? 2:50:27PM</p> <p>13 A He was too good for us. 2:50:28PM</p> <p>14 Q Was he too good for certain officers 2:50:30PM</p> <p>15 as opposed to others?</p> <p>16 A Yeah. 2:50:34PM</p> <p>17 Q Which ones was he too good for? 2:50:34PM</p> <p>18 A Well, I could name a bunch of them on 2:50:37PM</p> <p>19 the day tour. I can't think of -- Joey -- the</p> <p>20 guys on the day tour, he was very good to.</p> <p>21 Q The guys on the day tour, he was good 2:50:50PM</p> <p>22 to?</p> <p>23 A Yeah. Whoever worked the day tour, 2:50:54PM</p> <p>24 the house guy, he ain't a cop but he's very good</p> <p>25 to him. There's a the house mouse, Joe. I</p>	<p style="text-align: right;">Page 240</p> <p>1 RICHARD BOSETTI</p> <p>2 more summonses?</p> <p>3 A She never did. George told me a few 2:51:51PM</p> <p>4 times.</p> <p>5 Q How about Mr. Loeffler? 2:51:54PM</p> <p>6 A No, he never told me that. 2:51:56PM</p> <p>7 Q How many times did George tell you you 2:51:58PM</p> <p>8 should write more summons?</p> <p>9 A The beginning of every season. 2:52:01PM</p> <p>10 Q Did you ever work a morning shift? 2:52:04PM</p> <p>11 A Yes. 2:52:06PM</p> <p>12 Q Did you ever work the morning shift 2:52:07PM</p> <p>13 after one of the nights where you went out --</p> <p>14 where you drank in the barracks and went out</p> <p>15 drinking and slept in the barracks?</p> <p>16 A No. No. Unless it was -- one time it 2:52:16PM</p> <p>17 was Memorial Day or something. We were off that</p> <p>18 day. We were actually supposed to be off. And</p> <p>19 the chief woke us up. Come on, I need you for</p> <p>20 the parade. I was like oh, and we went on the</p> <p>21 parade.</p> <p>22 Q Is it your testimony that that's the 2:52:30PM</p> <p>23 only time that you worked a shift after drinking</p> <p>24 on the beach the night before and staying in the</p> <p>25 barracks?</p>

Page 241

1 **RICHARD BOSETTI**

2 A As far as I can recall, for a day 2:52:42PM

3 tour. Usually, it would be 4 to 12s I worked.

4 **Q Did you get paid for that Memorial Day 2:52:49PM**

5 **tour?**

6 A No. 2:52:53PM

7 **Q So you worked for free that day? 2:52:54PM**

8 A Yeah. It was right after the parade, 2:52:56PM

9 I went back to the barracks.

10 MR. GOODSTADT: We can take that break 2:53:02PM

11 that you need.

12 MR. NOVIKOFF: Great. Thank you. 2:53:04PM

13 THE VIDEOGRAPHER: The time is 2:54. 2:53:06PM

14 We are going off the record.

15 (Whereupon, a discussion was held off 2:53:10PM

16 the record.)

17 THE VIDEOGRAPHER: The time is 3:06. 3:05:35PM

18 We are back on the record.

19 BY MR. GOODSTADT: 3:05:43PM

20 **Q When did George Hesse become deputy 3:05:44PM**

21 **chief?**

22 A I think it was when Paradiso got hurt 3:05:49PM

23 and he was out a few months.

24 **Q Do you know when that happened? 3:05:57PM**

25 A Huh? 3:05:59PM

Page 242

1 **RICHARD BOSETTI**

2 **Q Do you know whether that happened? 3:05:59PM**

3 A '86 -- no, I'm sorry, 2006. 3:06:00PM

4 **Q 2006? 3:06:07PM**

5 A 2005, you know. 3:06:08PM

6 **Q How did you learn that Hesse was going 3:06:10PM**

7 **to become deputy chief?**

8 A I think Hesse told me. 3:06:17PM

9 **Q Did he tell you he was going to become 3:06:22PM**

10 **deputy chief or chief?**

11 A I'm not sure. 3:06:26PM

12 **Q What did you call him after that 3:06:27PM**

13 **point?**

14 A George. 3:06:29PM

15 **Q Did you ever refer to him as Chief? 3:06:30PM**

16 A Every once in a while. 3:06:32PM

17 **Q Did you ever refer to him as Sergeant 3:06:33PM**

18 **Hesse before that time?**

19 A Yeah. 3:06:37PM

20 **Q Frequently, or was that what you 3:06:39PM**

21 **generally called him, Sergeant Hesse?**

22 A If we were in front of people, it was 3:06:45PM

23 always a courtesy to call him by his rank.

24 Otherwise, just, you know, George, how you

25 doing? How's everything? What's going on?

Page 243

1 **RICHARD BOSETTI**

2 **Q And how about after the '05, '06 3:06:55PM**

3 **period, when he alerted you that his rank had**

4 **changed, what did you call him in front of other**

5 **people?**

6 A Sometimes Chief -- oh, in front of 3:07:07PM

7 other people, I guess I called him Chief. You

8 wouldn't call him deputy chief, because you just

9 don't do that. You just say Chief.

10 **Q What was his title in 2007, on your 3:07:20PM**

11 **last day of employment?**

12 A I would say chief. 3:07:32PM

13 **Q When was the last time you were in 3:07:37PM**

14 **Ocean Beach?**

15 A August 2007.. 3:07:41PM

16 **Q So since you were terminated, you 3:07:43PM**

17 **haven't been back?**

18 A Nope. 3:07:46PM

19 **Q Do you know what his title is today? 3:07:47PM**

20 A No. 3:07:49PM

21 **Q Have you spoken with George Hesse 3:07:50PM**

22 **since your termination?**

23 MR. CONNOLLY: Objection.. Asked and 3:07:55PM

24 answered.

25 A Yeah, small talk. How's the family? 3:07:56PM

Page 244

1 **RICHARD BOSETTI**

2 What's going on?

3 **Q How frequently do you speak with him? 3:07:58PM**

4 A Maybe once every couple of months. 3:08:06PM

5 **Q Are you social friends with him? 3:08:10PM**

6 A Yeah. 3:08:12PM

7 **Q Do you guys see each other ever? 3:08:13PM**

8 A No. The last time I saw George was -- 3:08:16PM

9 I think it was -- oh, it was a month and a half

10 ago. When I went to see Lonny Augenbaugh in the

11 hospital, he happened to be there.

12 **Q Did you discuss this case at all with 3:08:36PM**

13 **Mr. Hesse at that time?**

14 A No. 3:08:38PM

15 **Q When was the last time you discussed 3:08:39PM**

16 **this case with Mr. Hesse or any allegations of**

17 **this case?**

18 A I can't say for sure. 3:08:44PM

19 **Q Was it after you were terminated? 3:08:46PM**

20 A I don't know. 3:08:51PM

21 **Q Do you recall when George Hesse went 3:09:00PM**

22 **to take his sergeant's exam?**

23 A Sergeant's exam? 3:09:06PM

24 **Q Yes. 3:09:08PM**

25 A No. 3:09:09PM

<p style="text-align: right;">Page 245</p> <p>1 RICHARD BOSETTI</p> <p>2 Q How about when he went to take his 3:09:09PM</p> <p>3 chief's exam?</p> <p>4 A I wasn't working there, I don't think. 3:09:13PM</p> <p>5 Q Prior to working at Ocean Beach, had 3:09:17PM</p> <p>6 you ever met any of the plaintiffs in this case?</p> <p>7 A No. 3:09:21PM</p> <p>8 Q Did you work the same shift as any of 3:09:25PM</p> <p>9 the plaintiffs at any time?</p> <p>10 A Every once in a while. 3:09:29PM</p> <p>11 Q Did your shifts overlap at all? 3:09:30PM</p> <p>12 A Well, if I was leaving there at 11:30 3:09:36PM</p> <p>13 to go to the checkpoint, they should've been</p> <p>14 leaving the checkpoint at 11:30 to come in.</p> <p>15 Q Right. So there's no overlap there. 3:09:47PM</p> <p>16 I'm talking about times when both of you were on</p> <p>17 duty at the same time.</p> <p>18 A Now, there are tours where they 3:09:54PM</p> <p>19 overlap. I think like they have an 8:00 tour at</p> <p>20 night, one that's a 4 to 12. So then the 8 --</p> <p>21 the 8 to 4 guys would overlap with the midnight</p> <p>22 guys when they would come in. But I've never</p> <p>23 been involved with any of the that.</p> <p>24 Q How often did you work on the same 3:10:14PM</p> <p>25 tour as any of the plaintiffs?</p>	<p style="text-align: right;">Page 247</p> <p>1 RICHARD BOSETTI</p> <p>2 saw Carter sleeping?</p> <p>3 A Well, my brother would be one and 3:11:29PM</p> <p>4 other cops that were working.</p> <p>5 Q Well, can you name them? 3:11:37PM</p> <p>6 A Well, if I worked with guys and they 3:11:39PM</p> <p>7 worked over, over the 12:00 and they stayed</p> <p>8 until 3 or 4, I could name a bunch of them, but</p> <p>9 I can't tell you what they're gonna say. But I</p> <p>10 know Hardman saw him, Boggleman saw him, if he</p> <p>11 fesses up to it. The chief --</p> <p>12 Q Which chief? 3:12:03PM</p> <p>13 A -- Ty Bacon. 3:12:04PM</p> <p>14 Both of them. Well, no.. No, I can't 3:12:06PM</p> <p>15 say both of them, because Paradiso had his own</p> <p>16 place, so he might have never walked in on him.</p> <p>17 But George Hesse had a room up with us in our</p> <p>18 barracks.</p> <p>19 Q So Hardman, Boggleman, your brother, 3:12:21PM</p> <p>20 Hesse. Who else?</p> <p>21 A You're just making me pick names off 3:12:31PM</p> <p>22 of roll call here.</p> <p>23 Q I'm not asking for names who you 3:12:34PM</p> <p>24 worked with from roll call. I'm asking for</p> <p>25 names of people who you were in the barracks</p>
<p style="text-align: right;">Page 246</p> <p>1 RICHARD BOSETTI</p> <p>2 A Six years, maybe, except for Carter 3:10:21PM</p> <p>3 and a little bit less with Nofi.</p> <p>4 Q So you didn't work at all with Carter? 3:10:27PM</p> <p>5 A I worked at all with Carter when I saw 3:10:30PM</p> <p>6 him in between the changes and when I saw him in</p> <p>7 the barracks. But no, I worked with Carter --</p> <p>8 if I had to work a midnight, very few times</p> <p>9 would I see Carter.</p> <p>10 Q Did you actually witness Carter 3:10:48PM</p> <p>11 sleeping in the barracks?</p> <p>12 A Yes. 3:10:52PM</p> <p>13 Q How many times did you actually see 3:10:52PM</p> <p>14 him sleeping in the barracks?</p> <p>15 A If I went out twice a month, I saw him 3:10:58PM</p> <p>16 twice a month.</p> <p>17 Q While he was on duty? 3:11:02PM</p> <p>18 A Yes. 3:11:03PM</p> <p>19 Q Was anyone else with you when you saw 3:11:05PM</p> <p>20 Carter sleeping on any of those occasions?</p> <p>21 A My brother, other guys that were 3:11:09PM</p> <p>22 working that may have went out. Other guys that</p> <p>23 were doing a midnight, including Frank and</p> <p>24 Kevin.</p> <p>25 Q What other guys were you out with that 3:11:20PM</p>	<p style="text-align: right;">Page 248</p> <p>1 RICHARD BOSETTI</p> <p>2 with who witnessed Ed Carter sleeping.</p> <p>3 A I could a make this statement for 3:12:43PM</p> <p>4 sure. Everybody knew that they slept; and if</p> <p>5 you want to put everybody down that works for</p> <p>6 Ocean Beach, you can put that down. But I can't</p> <p>7 think of everybody's name right now.</p> <p>8 Q I'm not talking about who knew, who 3:12:52PM</p> <p>9 didn't know, who you think may have known. I</p> <p>10 want to know who was with you when you actually</p> <p>11 witnessed Ed Carter sleeping in the barracks</p> <p>12 while on duty.</p> <p>13 A Lonny. 3:13:05PM</p> <p>14 Q Anyone else? 3:13:08PM</p> <p>15 A No, I can't think of anybody else. 3:13:15PM</p> <p>16 Q Was the barracks a residence? 3:13:16PM</p> <p>17 A No. The barracks was -- what do you 3:13:18PM</p> <p>18 mean, how it was set up?</p> <p>19 Q What is it? 3:13:23PM</p> <p>20 A It's an apartment. 3:13:24PM</p> <p>21 Q It's an apartment. Did anyone live 3:13:24PM</p> <p>22 there permanently?</p> <p>23 A No. 3:13:28PM</p> <p>24 Q Do you know if anyone used it as their 3:13:31PM</p> <p>25 residence?</p>

Page 249

1 **RICHARD BOSETTI**

2 A Yes, Paul Trosco. 3:13:34PM

3 **Q Anyone else use it as their residence? 3:13:38PM**

4 A Not that I know of. 3:13:42PM

5 **Q Did Paul Trosco have another place 3:13:43PM**

6 **that he lived as well or just there?**

7 A He lived with his parents on the 3:13:47PM

8 mainland.

9 **Q Why did he use that as his residence? 3:13:50PM**

10 MR. NOVIKOFF: Objection. 3:13:52PM

11 A Because when he got made permanent, it 3:13:53PM

12 was easier for him just to stay there. He was

13 single.

14 **Q Do you know whether he paid rent? 3:14:02PM**

15 A Paid rent? I don't know. 3:14:06PM

16 **Q You don't know one way or the other? 3:14:07PM**

17 A No, I don't know. 3:14:09PM

18 **Q Why don't we focus a bit now on the 3:14:15PM**

19 **Halloween incident. What year was that?**

20 A I believe it was 2004. 3:14:22PM

21 **Q And that occurred at Houser's? 3:14:25PM**

22 A Yes. 3:14:28PM

23 **Q Was there a Halloween party going on 3:14:28PM**

24 **there?**

25 A Yeah. Masquerade party, costume 3:14:31PM

Page 250

1 **RICHARD BOSETTI**

2 party.

3 **Q So just so I'm clear on the timeline, 3:14:36PM**

4 **on the Halloween 2004 incident, you had yet to**

5 **pass the battery of civil service tests,**

6 **correct?**

7 A Yes. 3:14:44PM

8 **Q And your brother had yet to pass the 3:14:45PM**

9 **battery of civil service tests, correct?**

10 A Yes. 3:14:49PM

11 **Q Where is Houser's located? 3:14:49PM**

12 A On Bayview. 3:14:53PM

13 **Q How many blocks from the police 3:14:54PM**

14 **station house is that?**

15 A One.. 3:15:04PM

16 **Q How far is CJ's from the police 3:15:05PM**

17 **station house?**

18 A Just a little bit diagonally across. 3:15:09PM

19 **Q To walk from Houser's to CJ's, do you 3:15:18PM**

20 **have to pass the police station?**

21 A Yes. 3:15:23PM

22 **Q Had you been to Houser's prior to 3:15:23PM**

23 **Halloween of '04?**

24 A Yes. 3:15:27PM

25 **Q Had you been there to drink prior to 3:15:28PM**

Page 251

1 **RICHARD BOSETTI**

2 **Halloween of '04?**

3 A Drink and patrol. 3:15:31PM

4 **Q So both for police duty and to go have 3:15:35PM**

5 **some drinks?**

6 A Yes. 3:15:39PM

7 **Q What type of beer do you drink? 3:15:44PM**

8 A Light beer. 3:15:46PM

9 **Q Any kind of light beer? 3:15:48PM**

10 A Yeah. I don't like the ultras. 3:15:50PM

11 **Q You don't like the ultras? 3:15:52PM**

12 A No. 3:15:55PM

13 **Q Have you ever issued a summons to 3:15:59PM**

14 **Houser's?**

15 A Did I ever issue a summons to 3:16:03PM

16 Houser's?

17 **Q Yeah. Or the owners of Houser's? 3:16:07PM**

18 A No. 3:16:10PM

19 **Q Did you ever issue a summons to the 3:16:11PM**

20 **bartender at Houser's?**

21 A No. 3:16:15PM

22 **Q Who was the bartender the night of 3:16:16PM**

23 **Halloween at Houser's?**

24 A I don't recall. 3:16:19PM

25 **Q Have you ever issued any summonses to 3:16:20PM**

Page 252

1 **RICHARD BOSETTI**

2 **patrons of Houser's for underage drinking or**

3 **rowdiness or anything to that effect?**

4 A If it was in those seven summons I 3:16:30PM

5 gave out throughout the years, yeah. But I

6 can't recall if they were coming out of Houser's

7 or not.

8 **Q Did you ever issue a summons to 3:16:39PM**

9 **anybody while you were inside Houser's?**

10 A No. I've escorted people out of 3:16:43PM

11 Houser's.

12 **Q And issued a summons outside? 3:16:47PM**

13 A No. Just escorted, be on your way. 3:16:50PM

14 **Q Have you ever issue a summons to 3:16:53PM**

15 **anybody inside of Houser's?**

16 A Inside of Houser's? 3:16:57PM

17 **Q Yes. 3:16:58PM**

18 A Not that I could recall. 3:16:57PM

19 **Q Did you ever issue a summons to 3:16:59PM**

20 **anybody inside any of the bars at Ocean Beach?**

21 A No. 3:17:04PM

22 **Q Did you ever issue any summons to any 3:17:04PM**

23 **bars or their owners in Ocean Beach?**

24 A No. And I didn't issue any summonses 3:17:09PM

25 to any delis or any of the clothing stores or

Page 253

1 RICHARD BOSETTI
2 anything else.
3 **Q I assume that clothing stores weren't 3:17:16PM**
4 **serving alcohol, correct?**
5 A No, but drunks go in there. 3:17:20PM
6 MR. NOVIKOFF: I'm sorry, but what go 3:17:23PM
7 in there?
8 (Whereupon, the referred to portion 3:17:27PM
9 was read back by the court reporter: But
10 drunks go in there.)
11 BY MR. GOODSTADT: 3:17:28PM
12 **Q Were you on duty the night of 3:17:28PM**
13 **Halloween?**
14 A No. 3:17:30PM
15 **Q Were you on duty at all during that 3:17:31PM**
16 **day?**
17 A No. 3:17:33PM
18 **Q Were you on duty the following day? 3:17:34PM**
19 A No. 3:17:36PM
20 **Q Were you scheduled to be on duty any 3:17:36PM**
21 **of those days?**
22 A No. Not that I know of, no. 3:17:39PM
23 **Q Were you working the off season that 3:17:41PM**
24 **'04 year?**
25 A Maybe a couple of days here, a couple 3:17:44PM

Page 254

1 RICHARD BOSETTI
2 of days there.
3 **Q So nothing with regularity? 3:17:48PM**
4 A Right. 3:17:50PM
5 **Q At any point in time, were you ever 3:17:55PM**
6 **scheduled to be on duty that day and took**
7 **yourself off the schedule?**
8 A Unless the records show different, I 3:18:04PM
9 don't think so.
10 **Q Did you have authority to arrest while 3:18:11PM**
11 **you were off duty?**
12 MR. NOVIKOFF: Objection. 3:18:15PM
13 A Yes. So do you. 3:18:16PM
14 **Q Did you have the authority issue 3:18:19PM**
15 **summons while you were off duty?**
16 MR. NOVIKOFF: Objection. 3:18:23PM
17 A Yes, but I never have. 3:18:24PM
18 **Q What time did you arrive at Houser's 3:18:30PM**
19 **that night?**
20 A I don't recall. If you have a 3:18:33PM
21 statement -- my statement there, I could refresh
22 my memory.
23 **Q Sitting here right now, you don't 3:18:38PM**
24 **recall?**
25 A No. 3:18:40PM

Page 255

1 RICHARD BOSETTI
2 **Q Where were you prior to Houser's that 3:18:40PM**
3 **evening?**
4 A Prior to Houser's, I was down the 3:18:44PM
5 block at Mike's Pizzeria's House.
6 **Q Mike Miller? Is that his last name, 3:18:59PM**
7 **Miller?**
8 A No, no. That's a cop. The guy that 3:19:01PM
9 owns Michael's Pizzeria, right across from
10 Houser's. He lent -- I think he lent Elyse the
11 house and said that we could stay there. It was
12 a nice little house.
13 **Q When you say Elyse, what's her last 3:19:16PM**
14 **name?**
15 A I don't know. 3:19:19PM
16 **Q Elyse Miller? 3:19:20PM**
17 A Yeah. 3:19:21PM
18 **Q When you say he leased the house and 3:19:25PM**
19 **said you could stay there, did he actually say**
20 **that Gary Bosetti could stay there -- strike**
21 **that.**
22 **He didn't say which of you could stay 3:19:36PM**
23 **there?**
24 A No. There were a couple of people in 3:19:36PM
25 there. You know, we got permission. Whoever

Page 256

1 RICHARD BOSETTI
2 had permission to stay in the house gave us
3 permission to stay also.
4 **Q Did Mike or the owner of Mike's 3:19:45PM**
5 **Pizzeria give you permission to stay in the**
6 **house or did you get the permission from Elyse**
7 **Miller?**
8 A I don't know if I got it from Elyse 3:19:52PM
9 Miller or from one of the two other people that
10 were in there also, and I don't recall who that
11 was. I don't recall who that was.
12 **Q And what time did you get to Mike's? 3:20:02PM**
13 **Let's call it Mike's house just sort of for the**
14 **sake of we don't know his last name.**
15 A You know what, I think -- I think I 3:20:12PM
16 got a ride in from the checkpoint with the guys
17 that were starting at 8:00 or 9:00.
18 **Q Do you know who that was? 3:20:24PM**
19 A No. 3:20:25PM
20 **Q So you got to Mike's house at some 3:20:25PM**
21 **point between 8:00 or 9:00 that night?**
22 A Yeah, give or take a half an hour 3:20:30PM
23 maybe.
24 **Q Did you have any drinks while you were 3:20:33PM**
25 **at Mike's house?**

Page 257	Page 259
<p>1 RICHARD BOSETTI</p> <p>2 A Yeah. 3:20:36PM</p> <p>3 Q How many drinks did you have? 3:20:36PM</p> <p>4 A One, two. 3:20:38PM</p> <p>5 Q What were you drinking at Mike's 3:20:39PM</p> <p>6 house?</p> <p>7 A Beer. 3:20:43PM</p> <p>8 Q So you had one or two beers? 3:20:44PM</p> <p>9 A Yeah. 3:20:46PM</p> <p>10 Q Were other people there drinking? 3:20:47PM</p> <p>11 A Yes. 3:20:50PM</p> <p>12 Q Who else was there before going to the 3:20:51PM</p> <p>13 party at Houser's?</p> <p>14 A I think maybe Matty the plumber might 3:21:03PM</p> <p>15 have been there and they guy that owns the</p> <p>16 hardware store now, Faz, Vinny Faz.</p> <p>17 Q And Matt the plumber, his last name is 3:21:13PM</p> <p>18 Bellows?</p> <p>19 A I don't know. 3:21:17PM</p> <p>20 Q You don't know his last name? 3:21:17PM</p> <p>21 Was anyone else at this house before 3:21:19PM</p> <p>22 going to Houser's?</p> <p>23 A I don't know. 3:21:23PM</p> <p>24 Q Was Elyse Miller there? 3:21:24PM</p> <p>25 A Yes. 3:21:25PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Okay. Yeah. 3:22:14PM</p> <p>3 Q How long were you at the house prior 3:22:17PM</p> <p>4 to going to Houser's?</p> <p>5 A I don't recall. Maybe a half an hour, 3:22:20PM</p> <p>6 an hour.</p> <p>7 Q How many people were at bar when you 3:22:32PM</p> <p>8 arrived?</p> <p>9 A Packed. 3:22:38PM</p> <p>10 Q Approximately how many people were 3:22:39PM</p> <p>11 there?</p> <p>12 A I don't know. It was packed. 3:22:42PM</p> <p>13 Q Is there a sign up there that says -- 3:22:43PM</p> <p>14 A You had to turn sideways to go through 3:22:45PM</p> <p>15 the doors, to go through the crowd. You know,</p> <p>16 excuse me, excuse me, excuse me, one of those</p> <p>17 deals.</p> <p>18 Q Do you know if there's sign up there 3:22:53PM</p> <p>19 as to how many people beyond capacity would make</p> <p>20 it unlawful?</p> <p>21 A I don't know. 3:22:59PM</p> <p>22 Q Was it packed the whole night? 3:23:01PM</p> <p>23 A Yeah. 3:23:06PM</p> <p>24 Q Was it an open bar or did you have to 3:23:07PM</p> <p>25 pay per drink?</p>
Page 258	Page 260
<p>1 RICHARD BOSETTI</p> <p>2 Q Was she drinking? 3:21:28PM</p> <p>3 A I don't know. 3:21:31PM</p> <p>4 Q Was Matt the plumber drinking? 3:21:33PM</p> <p>5 A Excuse me? 3:21:35PM</p> <p>6 Q Was Matt the plumber drinking before 3:21:35PM</p> <p>7 going to the bar?</p> <p>8 A I don't know. 3:21:38PM</p> <p>9 Q Was the hardware store owner, Vinny, 3:21:39PM</p> <p>10 was he drinking before going to the party?</p> <p>11 A I don't know. 3:21:46PM</p> <p>12 Q Was your brother at the house? 3:21:47PM</p> <p>13 A Yes. 3:21:48PM</p> <p>14 Q Was your brother drinking before going 3:21:52PM</p> <p>15 to the bar?</p> <p>16 A I can only make an assumption, yes. 3:21:54PM</p> <p>17 Q You don't recall seeing him, one way 3:21:59PM</p> <p>18 or the other, drinking?</p> <p>19 A No. 3:22:03PM</p> <p>20 Q Why would you assume he was drinking? 3:22:04PM</p> <p>21 A It's a party. 3:22:06PM</p> <p>22 Q And he drinks at parties? 3:22:06PM</p> <p>23 A You do, don't you? 3:22:08PM</p> <p>24 Q Luckily, sir, I'm not the one 3:22:11PM</p> <p>25 answering questions today.</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Paid per drink. 3:23:13PM</p> <p>3 Q Did you pay for any drinks that night? 3:23:18PM</p> <p>4 A Yes. 3:23:20PM</p> <p>5 Q Did you pay cash or put it on your 3:23:21PM</p> <p>6 credit card?</p> <p>7 A Cash. 3:23:24PM</p> <p>8 Q Who did you go to the bar with that 3:23:32PM</p> <p>9 night?</p> <p>10 A Me, my brother and Elyse. 3:23:37PM</p> <p>11 Q Did Matt the plumber go to the bar 3:23:43PM</p> <p>12 that night?</p> <p>13 A I don't know if he was with us coming 3:23:50PM</p> <p>14 in. I don't even know if he was with us any</p> <p>15 time of the night.</p> <p>16 Q So you don't know one way or the other 3:23:56PM</p> <p>17 whether he was actually at the bar?</p> <p>18 A Yeah, I don't remember to make that 3:23:58PM</p> <p>19 statement for sure.</p> <p>20 Q And was Vinny Fazio, did he go with 3:24:00PM</p> <p>21 you to the bar?</p> <p>22 A I'm not sure either. 3:24:04PM</p> <p>23 Q But you recall you, your brother and 3:24:05PM</p> <p>24 Elyse going together?</p> <p>25 A See, we didn't leave right from that 3:24:08PM</p>

65 (Pages 257 to 260)

Page 261

1 RICHARD BOSETTI
2 house to go to the bar. We went to another --
3 we went to a local's house, and that's why I
4 don't recall whether --
5 Q Let's step back from the bar. Let's 3:24:23PM
6 go -- so after a half hour at Mike Pizza's
7 house, you had one or two beers there for a half
8 an hour. Then you walked to a local's house?
9 A Walked to a local's house, because 3:24:36PM
10 they had invited us.
11 Q Who did you go to the local's house 3:24:38PM
12 with?
13 A I'm not sure. It's a few houses down 3:24:41PM
14 on Ocean -- I think it was Ocean Avenue. And
15 all the locals were there. They were having a
16 nice masquerade party.
17 Q Whose house was it? 3:24:52PM
18 A Nice finger food. 3:24:53PM
19 I'm not sure. 3:24:55PM
20 Q There was a masquerade party going on 3:24:56PM
21 there?
22 A Yeah. 3:24:58PM
23 Q Who invited you to that party? 3:24:59PM
24 A I don't know if it was Elyse said 3:25:03PM
25 that -- she said that the people want you guys

Page 262

1 RICHARD BOSETTI
2 to come over, and we went with Elyse, or I don't
3 know how it happened. But I knew most of the
4 people there, 90 percent of the people there.
5 Q That was on Ocean Avenue, that house? 3:25:17PM
6 A I think so, unless I'm getting my 3:25:18PM
7 streets crossed up.
8 Q And you don't know the resident who 3:25:22PM
9 lived there?
10 A No. It was right across the street 3:25:25PM
11 from Bacci's.
12 Q Okay. How long were you at that house 3:25:28PM
13 for?
14 A I'm only guessing at this again. 3:25:31PM
15 Maybe 15 or 20 minutes.
16 Q Did you have any drinks at that house? 3:25:35PM
17 A No. 3:25:36PM
18 Q Did you have any non-alcoholic drinks 3:25:39PM
19 at that house?
20 A As far as I could remember, I don't 3:25:42PM
21 think I had anything at that house, except for
22 finger food.
23 Q Was your brother with you? 3:25:47PM
24 A Yes. 3:25:49PM
25 Q Do you know if he had any drinks? 3:25:49PM

Page 263

1 RICHARD BOSETTI
2 A I don't know whether he did. 3:25:51PM
3 Q And do you know if Elyse had any 3:25:52PM
4 drinks there?
5 A I don't know. 3:25:55PM
6 Q And you don't recall if Matt the 3:25:55PM
7 plumber went with you there or not?
8 A No. 3:25:58PM
9 Q And you don't recall if Vinny Fazio 3:25:58PM
10 went there, do you?
11 A No. 3:26:01PM
12 Q After about 15 or 20 minutes, when you 3:26:02PM
13 left that house, where did you go next?
14 A Then we went to Houser's. 3:26:06PM
15 Q Prior to going to Mike the pizza's 3:26:16PM
16 house, did you have any alcohol?
17 A No. 3:26:22PM
18 Q So you didn't have any drinks on the 3:26:22PM
19 way in --
20 A No. 3:26:25PM
21 Q -- or prior to coming in? 3:26:26PM
22 Do you know whether your brother did? 3:26:27PM
23 A No. 3:26:30PM
24 Q You don't know? 3:26:30PM
25 A I don't know. 3:26:31PM

Page 264

1 RICHARD BOSETTI
2 Q So then from the local's house, you 3:26:32PM
3 walked over to Houser's?
4 A Yes. 3:26:36PM
5 Q How long of a walk is that? 3:26:37PM
6 A A block. 3:26:40PM
7 Q You don't recall what time you got 3:26:42PM
8 there?
9 A No. 3:26:44PM
10 Q How many drinks did you have that 3:26:46PM
11 night at Houser's?
12 A Two. 3:26:54PM
13 Q What kind of drinks did you have? 3:26:56PM
14 A Light beer. 3:26:58PM
15 Q So you had about four drinks that 3:27:06PM
16 night?
17 A Spread over within a few hours, yeah. 3:27:08PM
18 Q Were you buzzed at all? 3:27:11PM
19 A No. I wouldn't drive. 3:27:12PM
20 Q Were you drunk? 3:27:16PM
21 A No. 3:27:17PM
22 Q Do you recall testifying -- not 3:27:25PM
23 testifying. Do you recall telling the person
24 who administered the polygraph that you get
25 buzzed on three drinks?

Page 265	Page 267
<p>1 RICHARD BOSETTI</p> <p>2 A I might have. Sometimes you do, 3:27:38PM</p> <p>3 sometimes you don't. Sometimes you get buzzed</p> <p>4 on one drink.</p> <p>5 Q And other than beer, did you have any 3:27:48PM</p> <p>6 other alcoholic beverages that night?</p> <p>7 A No. 3:27:52PM</p> <p>8 Q You didn't have any shots? 3:27:53PM</p> <p>9 A Not that I can recall. 3:27:55PM</p> <p>10 Q I believe you testified when you got 3:28:07PM</p> <p>11 there, it was packed, correct?</p> <p>12 A Yes. 3:28:10PM</p> <p>13 Q Did there come a point in time that it 3:28:11PM</p> <p>14 wasn't packed?</p> <p>15 A Probably near the end of the night, 3:28:17PM</p> <p>16 when the arrest was made or when the -- my</p> <p>17 brother had to take police action.</p> <p>18 Q What do you mean by when the arrest 3:28:28PM</p> <p>19 was made?</p> <p>20 A My brother had to take police action 3:28:31PM</p> <p>21 that night.</p> <p>22 Q Was there any arrest made that night? 3:28:33PM</p> <p>23 A No. 3:28:35PM</p> <p>24 Q What do you mean by police action? 3:28:37PM</p> <p>25 A He had to ID himself as a cop, and he 3:28:39PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Can we just have -- 3:29:54PM</p> <p>3 BY MR. GOODSTADT: 3:29:55PM</p> <p>4 Q If you want to identify where you are. 3:29:55PM</p> <p>5 Are you the one who's on the right third of the</p> <p>6 picture, wearing the T-shirt, with your hands</p> <p>7 crossed in front of you --</p> <p>8 A Yes. 3:30:02PM</p> <p>9 Q -- with jeans? 3:30:02PM</p> <p>10 A Yes. 3:30:02PM</p> <p>11 MR. NOVIKOFF: Standing next to the 3:30:03PM</p> <p>12 woman to the right?</p> <p>13 A Yeah, I don't know who that is. 3:30:06PM</p> <p>14 MR. NOVIKOFF: Could we do -- it's 3:30:08PM</p> <p>15 your deposition. Could we maybe on that</p> <p>16 exhibit have the witness just circle where</p> <p>17 he is?</p> <p>18 MR. GOODSTADT: I'm fine with that. 3:30:11PM</p> <p>19 THE WITNESS: (Witness complies.) 3:30:13PM</p> <p>20 MR. NOVIKOFF: Okay. Thank you. 3:30:28PM</p> <p>21 BY MR. GOODSTADT: 3:30:33PM</p> <p>22 Q Just so we're clear for the record. 3:30:34PM</p> <p>23 That is you on the right third of the page,</p> <p>24 standing behind the pool table from this angle?</p> <p>25 A Yeah, uh-huh. 3:30:43PM</p>
Page 266	Page 268
<p>1 RICHARD BOSETTI</p> <p>2 had to save a lady that was being assaulted.</p> <p>3 Q Did you wear a costume that night? 3:28:48PM</p> <p>4 A No. 3:28:50PM</p> <p>5 Q Do you recall what you were wearing 3:28:51PM</p> <p>6 that night?</p> <p>7 A Jeans. 3:28:53PM</p> <p>8 Q And a T-shirt? 3:28:55PM</p> <p>9 A Yep. 3:28:59PM</p> <p>10 (Whereupon, a photocopy of a 3:29:01PM</p> <p>11 photograph was marked as R.. Bosetti Exhibit</p> <p>12 8 for identification, as of this date.)</p> <p>13 MR. GOODSTADT: I've placed in front 3:29:26PM</p> <p>14 of Mr. Bosetti what's been marked as R.</p> <p>15 Bosetti Exhibit 8. It is a one-page</p> <p>16 document. It is photograph that on the</p> <p>17 bottom has a date of 2-10-09. (Handing.)</p> <p>18 A Yes. 3:29:44PM</p> <p>19 Q Mr. Bosetti, do you recognize this 3:29:44PM</p> <p>20 picture?</p> <p>21 A I don't recognize it, but that's me. 3:29:47PM</p> <p>22 Q Is that what you were wearing on 3:29:49PM</p> <p>23 Halloween?</p> <p>24 A Yeah. 3:29:52PM</p> <p>25 Q That night? 3:29:53PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Do you recall what time of night this 3:30:44PM</p> <p>3 picture was taken?</p> <p>4 A No. 3:30:47PM</p> <p>5 Q And do you know who that is standing 3:30:48PM</p> <p>6 next to you?</p> <p>7 A No. 3:30:51PM</p> <p>8 Q Where is this, your location, in 3:30:54PM</p> <p>9 relation to the bathrooms at Houser's?</p> <p>10 A Right there. You see that little 3:31:03PM</p> <p>11 thing hanging up on the wall to the right of me?</p> <p>12 That's the entrance to the bathroom there. It's</p> <p>13 like a little hallway.</p> <p>14 Q To your right? 3:31:11PM</p> <p>15 A Yeah. To my right. See the round 3:31:12PM</p> <p>16 thing on the floor?</p> <p>17 Q No. 3:31:16PM</p> <p>18 A To my right, about knee height. 3:31:17PM</p> <p>19 Q I see what looks like two cups to the 3:31:22PM</p> <p>20 right of you about knee height.</p> <p>21 A Here (indicating). 3:31:28PM</p> <p>22 Q Why don't you circle that. 3:31:32PM</p> <p>23 A Right here. Right here is the 3:31:35PM</p> <p>24 entrance. That's the entrance to the bathroom..</p> <p>25 Q Do you recognize the person who's 3:31:47PM</p>

<p style="text-align: right;">Page 269</p> <p>1 RICHARD BOSETTI</p> <p>2 shooting pool in that picture?</p> <p>3 A No. 3:31:51PM</p> <p>4 Q Do you recognize any of the people in 3:31:53PM</p> <p>5 this picture?</p> <p>6 A I think, if you have your pictures 3:31:55PM</p> <p>7 there of the perpetrators, I think this short</p> <p>8 guy with the white shirt and the stripes and the</p> <p>9 one behind the girl that's dressed like a cop, I</p> <p>10 think he's the guy that started the whole crap.</p> <p>11 MR. NOVIKOFF: Let the record -- 3:32:14PM</p> <p>12 Andrew, I don't mean to interrupt.</p> <p>13 Let the record reflect, though, on 3:32:17PM</p> <p>14 this picture there seem to be two women --</p> <p>15 THE WITNESS: Yeah. 3:32:21PM</p> <p>16 MR. NOVIKOFF: -- dressed as cops. 3:32:21PM</p> <p>17 So are you referring to what appears 3:32:23PM</p> <p>18 to be a man in between the woman on the left</p> <p>19 and the woman on the right?</p> <p>20 THE WITNESS: Yeah. You see the guy 3:32:29PM</p> <p>21 with the striped shirt?</p> <p>22 MR. NOVIKOFF: Yes. 3:32:32PM</p> <p>23 THE WITNESS: Going down the stripe. 3:32:33PM</p> <p>24 Then there's the woman cop in front of him?</p> <p>25 MR. NOVIKOFF: Yes. 3:32:34PM</p>	<p style="text-align: right;">Page 271</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Both of them were or just one? 3:33:14PM</p> <p>3 A I don't know, because now they're both 3:33:15PM</p> <p>4 dressed like two cops. But I'm thinking she's</p> <p>5 right in between these two, so she's gotta be</p> <p>6 one of them.</p> <p>7 Q So the one all the way on the left -- 3:33:22PM</p> <p>8 A No, no, no, no. 3:33:24PM</p> <p>9 Q I'm asking another question. 3:33:25PM</p> <p>10 The one on the left with her back to 3:33:26PM</p> <p>11 us, do you know who that is?</p> <p>12 A No. 3:33:30PM</p> <p>13 Q Where is this pool table in relation 3:33:40PM</p> <p>14 to the bar at Houser's?</p> <p>15 A Directly -- the pool table would be on 3:33:46PM</p> <p>16 the east side of the bar, and the bar runs from</p> <p>17 east to west. It was more on the east side.</p> <p>18 Q Approximately how many feet is it 3:33:58PM</p> <p>19 between the bar and the pool table?</p> <p>20 A Ten. 3:34:04PM</p> <p>21 Q Approximately how many feet is it 3:34:04PM</p> <p>22 between the bar and the bathroom?</p> <p>23 A Ten. 3:34:10PM</p> <p>24 Q And just in relation to this picture, 3:34:14PM</p> <p>25 which direction is the bar? Where would it be?</p>
<p style="text-align: right;">Page 270</p> <p>1 RICHARD BOSETTI</p> <p>2 THE WITNESS: And then directly in 3:32:34PM</p> <p>3 front of her is that guy with his T-shirt</p> <p>4 showing.</p> <p>5 MR. NOVIKOFF: Yes. 3:32:39PM</p> <p>6 BY MR. GOODSTADT: 3:32:39PM</p> <p>7 Q So which is the one started the crap, 3:32:40PM</p> <p>8 I think you testified?</p> <p>9 A I can't say for sure, but I think that 3:32:43PM</p> <p>10 these guys are the ones -- are the ones. You</p> <p>11 can tell by looking at your picture, the</p> <p>12 pictures you got there in your folder of the</p> <p>13 perpetrators, and see if it's them or not.</p> <p>14 MR. GOODSTADT: I don't know what that 3:32:57PM</p> <p>15 means.</p> <p>16 BY MR. GOODSTADT: 3:32:58PM</p> <p>17 Q Do you recognize anyone else in this 3:32:59PM</p> <p>18 picture, other than for the two guys, as</p> <p>19 possibly being the people who were involved in</p> <p>20 the incident?</p> <p>21 A No, because everybody is in costume. 3:33:06PM</p> <p>22 Q Do you recognize either of the women 3:33:09PM</p> <p>23 who were dressed as cops?</p> <p>24 A The woman that was dressed as a cop 3:33:10PM</p> <p>25 was with those two guys.</p>	<p style="text-align: right;">Page 272</p> <p>1 RICHARD BOSETTI</p> <p>2 A What direction? 3:34:21PM</p> <p>3 Q Where would the bar be in relation to 3:34:22PM</p> <p>4 this picture?</p> <p>5 A It's Houser's. 3:34:26PM</p> <p>6 MR. NOVIKOFF: I think Mr. Goodstadt 3:34:28PM</p> <p>7 is saying if you're looking directly at the</p> <p>8 person shooting pool, is the bar to the left</p> <p>9 of that gentleman, looking at this picture,</p> <p>10 or to the right of that gentleman?</p> <p>11 THE WITNESS: Right behind him, and 3:34:43PM</p> <p>12 then it runs further west.</p> <p>13 BY MR. GOODSTADT: 3:34:45PM</p> <p>14 Q So if this picture went definitely to 3:34:46PM</p> <p>15 the right and definitely to the left, we'd see</p> <p>16 the bar on the left side of the picture?</p> <p>17 A Yeah. The bar goes further this way 3:34:54PM</p> <p>18 (indicating).</p> <p>19 Q Okay. So the bar would be on the left 3:34:56PM</p> <p>20 side of the picture?</p> <p>21 A Yeah. 3:35:00PM</p> <p>22 Q That's about 10 feet away from there? 3:35:00PM</p> <p>23 A But if you push that pool table 3:35:01PM</p> <p>24 forward, you're going to hit the bar still. You</p> <p>25 know what I mean? It's a long bar.</p>

<p style="text-align: right;">Page 273</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: Now I'm confused. 3:35:08PM</p> <p>3 MR. GOODSTADT: Me too. 3:35:09PM</p> <p>4 BY MR. GOODSTADT: 3:35:10PM</p> <p>5 Q So the bar is to the left of the 3:35:11PM</p> <p>6 picture. And what do you mean, if I pushed the</p> <p>7 pool table forward?</p> <p>8 A If you got behind the pool table here 3:35:17PM</p> <p>9 and pushed it into the guy that's shooting and</p> <p>10 you kept on going, you would hit the beginning</p> <p>11 of the bar.</p> <p>12 MR. NOVIKOFF: Yeah. 3:35:22PM</p> <p>13 BY MR. GOODSTADT: 3:35:22PM</p> <p>14 Q Okay. Is the bar straight or is it an 3:35:23PM</p> <p>15 L-shaped bar?</p> <p>16 A Straight. 3:35:26PM</p> <p>17 Q And it's about 10 feet away from the 3:35:29PM</p> <p>18 guy shooting pool?</p> <p>19 A Yeah. Maybe less. You can tell by 3:35:32PM</p> <p>20 looking at the people. And I don't even think</p> <p>21 that's 10 feet.</p> <p>22 Q Where were you at the time you learned 3:35:39PM</p> <p>23 of the fact that there was an altercation going</p> <p>24 on?</p> <p>25 A All the way on the west end of the 3:35:44PM</p>	<p style="text-align: right;">Page 275</p> <p>1 RICHARD BOSETTI</p> <p>2 THE WITNESS: It's hard to tell. 3:36:50PM</p> <p>3 MR. NOVIKOFF: Let the record reflect 3:36:51PM</p> <p>4 it's a long room, but not too long.</p> <p>5 MR. GOODSTADT: He testified to it. 3:36:56PM</p> <p>6 BY MR. GOODSTADT: 3:37:00PM</p> <p>7 Q How did you learn that there was an 3:37:02PM</p> <p>8 altercation going on?</p> <p>9 A I heard it. 3:37:05PM</p> <p>10 Q You actually heard it, no one told you 3:37:06PM</p> <p>11 about it?</p> <p>12 A Can you hear when there's an 3:37:08PM</p> <p>13 altercation starting in a bar.</p> <p>14 Q What did you actually hear? 3:37:12PM</p> <p>15 A A rumble. 3:37:13PM</p> <p>16 Q You heard a rumble? 3:37:14PM</p> <p>17 A Yes. 3:37:16PM</p> <p>18 Q And that led you to believe that there 3:37:16PM</p> <p>19 was an altercation?</p> <p>20 A Yes. 3:37:19PM</p> <p>21 Q What did you do when you first heard 3:37:19PM</p> <p>22 the rumble?</p> <p>23 A I walked toward the rumble. 3:37:22PM</p> <p>24 Q How long did it take you to get from 3:37:24PM</p> <p>25 where you were standing to the rumble?</p>
<p style="text-align: right;">Page 274</p> <p>1 RICHARD BOSETTI</p> <p>2 bar.</p> <p>3 Q What does that mean, in relation to 3:35:47PM</p> <p>4 this picture?</p> <p>5 A Well, I told you this is the -- I told 3:35:54PM</p> <p>6 you this is the east end of the bar. All the</p> <p>7 way on the west end of the bar.</p> <p>8 Q So if the bar is on the left, you'd be 3:36:07PM</p> <p>9 like straight back and to the left --</p> <p>10 MR. NOVIKOFF: Objection. 3:36:13PM</p> <p>11 BY MR. GOODSTADT: 3:36:13PM</p> <p>12 Q -- in relationship to this picture? 3:36:13PM</p> <p>13 A I'd be -- push him out of the way and 3:36:16PM</p> <p>14 then follow the bar.</p> <p>15 Q Okay. So it would be sort of the back 3:36:20PM</p> <p>16 left?</p> <p>17 A Yeah, uh-huh. 3:36:22PM</p> <p>18 Q How far were you standing away from 3:36:24PM</p> <p>19 that pool table at the time you learned there</p> <p>20 was an altercation?</p> <p>21 A Longer than this room. I would say 3:36:38PM</p> <p>22 maybe 30 feet.</p> <p>23 MR. NOVIKOFF: Andrew, do you know how 3:36:46PM</p> <p>24 long this room is?</p> <p>25 MR. GOODSTADT: I don't. 3:36:48PM</p>	<p style="text-align: right;">Page 276</p> <p>1 RICHARD BOSETTI</p> <p>2 A I don't know. I'm not sure. 3:37:30PM</p> <p>3 Q Well, was it, seconds? 3:37:32PM</p> <p>4 A Yeah, maybe, 10, 15 seconds, I guess. 3:37:36PM</p> <p>5 I don't know.</p> <p>6 Q So you got to the rumble in 10 or 15 3:37:41PM</p> <p>7 seconds. What did you see?</p> <p>8 MR. NOVIKOFF: Objection. 3:37:46PM</p> <p>9 A I seen my brother with his shield out, 3:37:51PM</p> <p>10 and he told me -- I said, what the hell is going</p> <p>11 on? And he said someone was choking Jeanne.</p> <p>12 Q Who's Jeanne? 3:38:03PM</p> <p>13 A The lady that was being choked.. She 3:38:04PM</p> <p>14 had -- she -- she's a stewardess.. Her husband</p> <p>15 is a city fireman, now deceased. He was a</p> <p>16 lieutenant. And she runs the movie theater.</p> <p>17 Q Did you know her prior to Halloween 3:38:19PM</p> <p>18 '04?</p> <p>19 A Yes. 3:38:21PM</p> <p>20 Q Were you friends with her? 3:38:22PM</p> <p>21 A Yes. 3:38:23PM</p> <p>22 Q Social friends? 3:38:24PM</p> <p>23 A No, not social. But, hi, Jeanne, how 3:38:26PM</p> <p>24 you doing? How's your husband. She's like, oh,</p> <p>25 you gotta stop by sometime, you know, like that.</p>

Page 277

1 RICHARD BOSETTI

2 You know. But not hanging out with them all the

3 time or anything like that.

4 Q Was your brother friends with them? 3:38:38PM

5 A Yes. 3:38:40PM

6 Q And prior to Halloween of '04, did you 3:38:40PM

7 know that she was a stewardess?

8 A Yes. 3:38:44PM

9 Q You knew that she ran the movie house? 3:38:44PM

10 A Yeah. Her husband did that. He had 3:38:46PM

11 the license.

12 Q And you knew that her husband was a 3:38:49PM

13 fireman in the city?

14 A Yeah. 3:38:53PM

15 Q How did you know that? 3:38:53PM

16 A Because he talked. He found out I was 3:38:55PM

17 a city cop in ESU, and so he told me he was a

18 city fireman, a lieutenant, and we got to be

19 friends.

20 Q So at the time that you arrived at the 3:39:06PM

21 rumble, was there still a fight going on?

22 A The guys that started the fight that 3:39:12PM

23 were kicking my brother in the face and

24 threatening him, they still had to be

25 restrained.

Page 278

1 RICHARD BOSETTI

2 Q Did you actually see anyone kick your 3:39:24PM

3 brother in the face?

4 A No. 3:39:27PM

5 Q Did you ever see anyone actually 3:39:30PM

6 strike your brother?

7 A No, but it's in the witness 3:39:34PM

8 statements.

9 Q I'm asking whether you actually saw 3:39:36PM

10 anyone strike your brother.

11 A No. 3:39:39PM

12 Q What was your response when he told 3:39:43PM

13 you that Jeanne had been choked?

14 A I said, okay, you took police action. 3:39:48PM

15 I said, all right. And then the officers walked

16 in.

17 Q So the officers walked in how long 3:39:56PM

18 after he told you that?

19 A Ten seconds. 3:40:11PM

20 Q How long after you got over to the 3:40:13PM

21 fight did your brother tell you that Jeanne had

22 been choked?

23 A When I asked him what's going on. 3:40:18PM

24 Q Did you do that right away? 3:40:20PM

25 A Yeah. 3:40:21PM

Page 279

1 RICHARD BOSETTI

2 Q Okay. So you hear the rumble, you go 3:40:22PM

3 over to brother between -- or you're at the

4 rumble between 10 to 15 seconds. Right away you

5 asked your brother what's going on, he tells you

6 Jeanne got strangled --

7 A Yeah. 3:40:35PM

8 Q -- and then 10 seconds later, the cops 3:40:35PM

9 were there?

10 MR. NOVIKOFF: Objection. 3:40:38PM

11 A No. When I heard the rumble, there 3:40:40PM

12 was something -- before that, there was

13 something going on, all right? When the rumble

14 happened is when everything actually got

15 physical and they started kicking the shit out

16 of my brother. That's when the loud noise was.

17 Before that, he was trying to pull the guy off

18 of her and everything else. Because then, I

19 think it was Danny -- Danny -- now, I might

20 remember who's bartending. You brought it back

21 to me. I think it was -- he has two twins. I

22 think it was Danny called the police. It's in

23 his statement. And he said it took them a long

24 time to come.

25 Q Dan McKenna? 3:41:18PM

Page 280

1 RICHARD BOSETTI

2 A Yeah. Is that it? Dan. 3:41:21PM

3 Q What statement are you referring to, 3:41:24PM

4 that Dan called the police?

5 A I think he wrote a statement or he 3:41:28PM

6 told the officers that, and they got pissed off

7 at him. Like where the hell were you?

8 Q Did Dan McKenna give a statement? 3:41:35PM

9 A Come to think of it, no. I think it 3:41:38PM

10 might be in one of their statements that they

11 wrote about Dan.

12 Q My question is -- you said that it's 3:41:45PM

13 in the statement that Dan called the police.

14 A Yeah. 3:41:49PM

15 Q What statement are you referring to? 3:41:49PM

16 A It might be their statement. 3:41:51PM

17 Q Okay. So your understanding is 3:41:52PM

18 that -- when you said "their statement," you

19 mean the three on-duty officers?

20 A Yeah. 3:41:59PM

21 Q Is that the statement you're referring 3:42:00PM

22 to?

23 A Yeah. 3:42:01PM

24 Q So it's your understanding that Dan 3:42:02PM

25 called the police, based on what you read in the

Page 281

1 **RICHARD BOSETTI**
2 **on-duty officers' statements?**
3 MR. NOVIKOFF: Objection. 3:42:09PM
4 A No. He told me. Dan called me he 3:42:09PM
5 called the police. He goes, the friggin' guys
6 didn't come a for a while.
7 **Q Dan told you that he called the 3:42:15PM**
8 **police?**
9 A Yeah. 3:42:18PM
10 **Q When did he tell you that? 3:42:18PM**
11 A That night. 3:42:20PM
12 **Q What time? 3:42:21PM**
13 A I don't know the time. Whenever this 3:42:22PM
14 all went down. If you gave me my statement, I
15 could refresh my memory.
16 **Q Do you know whether he spoke to any of 3:42:29PM**
17 **the officers?**
18 A Excuse me? 3:42:31PM
19 **Q Do you know whether Dan McKenna spoke 3:42:33PM**
20 **to any officers that were on duty that night?**
21 A I could have swore, I might be wrong, 3:42:38PM
22 that it was in one of their statements that they
23 spoke to Dan and Dan was a little bit perturbed
24 that they didn't show up.
25 **Q I'm talking about a little something 3:42:47PM**

Page 282

1 **RICHARD BOSETTI**
2 **different. I'm talking about did Dan tell you**
3 **that he actually called and spoke to the**
4 **officers.**
5 A Yeah. 3:42:53PM
6 **Q So Dan told you that he reported the 3:42:53PM**
7 **fight to the officers?**
8 A He said -- I think it was one of the 3:42:56PM
9 Bosetti brothers. Get down here right away; one
10 of the Bosetti brothers are having a fight.
11 **Q And Dan told you that he called the 3:43:04PM**
12 **police and alerted them to that fact?**
13 A Yeah. 3:43:08PM
14 **Q And he told you that that night? 3:43:08PM**
15 A Yes. 3:43:10PM
16 **Q What point in that night did he tell 3:43:11PM**
17 **you that?**
18 A I don't remember.. 3:43:13PM
19 **Q Was it before or after you had four 3:43:13PM**
20 **drinks in you?**
21 MR. NOVIKOFF: Objection. 3:43:16PM
22 A Let me see, by that time I was 3:43:18PM
23 sloshed -- no, I'm only kidding..
24 After the fight. Probably after -- 3:43:23PM
25 probably about four hours after my first drink.

Page 283

1 **RICHARD BOSETTI**
2 **Q So you had already had the four hours 3:43:33PM**
3 **in you?**
4 A Yeah. That was a long time ago. 3:43:35PM
5 Yeah, I remember that first drink when I first
6 got to the island. If you look in the report,
7 it will say when the fight started. So I was on
8 my fourth drink then.
9 **Q Did you have any drinks after the 3:43:43PM**
10 **fight?**
11 A Yeah. 3:43:46PM
12 **Q Where did you have those drinks? 3:43:47PM**
13 A CJ's. I think I had a drink at CJ's. 3:43:49PM
14 **Q We'll get to where you went after in a 3:43:54PM**
15 **bit. But did you have any other drinks at**
16 **Houser's after the fight?**
17 A I don't recall. I don't think so. I 3:44:01PM
18 was disgusted by then.
19 **Q So what time did Dan tell you that he 3:44:07PM**
20 **called the police --**
21 A I don't know. 3:44:11PM
22 **Q -- and it took them a long time to 3:44:11PM**
23 **arrive?**
24 A I don't know. 3:44:14PM
25 **Q Did he tell you what time he called? 3:44:14PM**

Page 284

1 **RICHARD BOSETTI**
2 A When he saw Gary having the 3:44:17PM
3 altercation with the perp.
4 **Q And do you know how long it was 3:44:21PM**
5 **between the time that Gary started the**
6 **altercation with the perp and you walked over**
7 **there from the west side of the bar?**
8 MR. NOVIKOFF: Objection. 3:44:29PM
9 A Gary did not start an altercation. 3:44:30PM
10 **Q Well, when the altercation with Gary 3:44:32PM**
11 **started.**
12 A Excuse me? 3:44:35PM
13 **Q Do you know how long it was between 3:44:36PM**
14 **the time that the altercation that Gary was**
15 **involved with started --**
16 A By the time Gary took place action. 3:44:40PM
17 **Q -- until the time you walked over from 3:44:42PM**
18 **the west side of the bar?**
19 A I don't recall. I don't know. 3:44:46PM
20 **Q Was it minutes, hours, seconds? 3:44:47PM**
21 A That he called the police? 3:44:51PM
22 **Q No. The starting time is when the 3:44:53PM**
23 **altercation began.**
24 A Yeah. 3:44:58PM
25 **Q The ending time is when you walked 3:44:58PM**

Page 285

1 **RICHARD BOSETTI**
2 over from the west side of the bar after hearing
3 the rumble.
4 A Yeah. 3:45:05PM
5 **Q How long was it between the starting 3:45:05PM**
6 **time and the ending time?**
7 MR. NOVIKOFF: Objection. 3:45:08PM
8 A The starting time is when I didn't 3:45:09PM
9 hear the altercation. When I heard the
10 altercation, that was already going on when I
11 heard that rumble.
12 **Q Do you know how long it was -- 3:45:14PM**
13 A No. 3:45:15PM
14 **Q -- going on before you heard it? 3:45:15PM**
15 A No. No. 3:45:17PM
16 **Q And you testified when you got over 3:45:21PM**
17 **there, people were still being restrained?**
18 A Yeah, I had to restrain one of them. 3:45:25PM
19 I don't recall his name. A little fat guy.
20 He's the one that went out on -- he flew the
21 coop. They had to put a warrant on out on him.
22 I'm only guessing. There were three of them,
23 I'm pretty sure.
24 **Q What do you mean, he flew the coop? 3:45:40PM**
25 A There was an arrest warrant on him 3:45:43PM

Page 286

1 **RICHARD BOSETTI**
2 because he was supposed to show up in court.
3 **Q When was that? 3:45:47PM**
4 A A few months after the incident or two 3:45:48PM
5 weeks after the incident.
6 **Q Do you recall his name? 3:45:55PM**
7 A No. 3:45:56PM
8 **Q And when you were restraining him, did 3:46:01PM**
9 **you identify yourself as a police officer?**
10 A Of course. 3:46:06PM
11 **Q Did you have your shield out? 3:46:07PM**
12 A No, but people were telling him. 3:46:10PM
13 People were telling him, he's a police officer.
14 My brother had his shield out. I told him I'm a
15 police officer. I didn't have to use physical
16 force, just one of these (indicating), like
17 back, back, back.
18 **Q But you recall actually saying that 3:46:23PM**
19 **you were a police officer?**
20 A Yes. 3:46:25PM
21 **Q Were you carrying a weapon at the 3:46:26PM**
22 **time?**
23 A No. 3:46:28PM
24 **Q Was your brother carrying a weapon? 3:46:28PM**
25 A No. 3:46:31PM

Page 287

1 **RICHARD BOSETTI**
2 **Q Do you generally carry a weapon when 3:46:32PM**
3 **you're not on duty?**
4 A No. I would carry it if I'm going out 3:46:33PM
5 with my wife and kids or going someplace where I
6 feel I'd be safer. But generally, if I'm
7 drinking, I'm not going to carry a weapon..
8 **Q Why? 3:46:40PM**
9 A Even for one or two drinks. 3:46:40PM
10 **Q How come? 3:46:42PM**
11 A Cause. Plus at that place there, I 3:46:43PM
12 felt that I was amongst friends. There was no
13 need to carry a weapon.
14 **Q You just testified a minute ago that 3:46:50PM**
15 **you wouldn't carry a weapon even if you were**
16 **having one or two drinks, correct?**
17 A Yeah. 3:46:56PM
18 **Q On the days that you were on duty, you 3:46:56PM**
19 **I carried a weapon, correct?**
20 A Yes. 3:47:01PM
21 **Q So the days that you had a beer on 3:47:02PM**
22 **duty, you did carry a weapon after having a**
23 **drink, correct?**
24 A Yeah. After I had one drink, yeah. 3:47:10PM
25 **Q But that would be different? If you 3:47:13PM**

Page 288

1 **RICHARD BOSETTI**
2 **were off duty, if you had one or two drinks, you**
3 **wouldn't carry it?**
4 A When you're in uniform, people have a 3:47:16PM
5 different aspect of you when they see you
6 walking into a bar and everything else. When
7 you're not in uniform, they don't know that
8 you're a police officer. So to carry a gun with
9 you, it's just looking for trouble.
10 And I felt that I didn't need a gun, 3:47:27PM
11 because everybody on that island, all the
12 locals, were my friends. These were guys that
13 came in from the outside that started this crap.
14 They had nothing to do with our town or
15 anything. So I felt that I had nothing to worry
16 about.
17 **Q So you thought that the people inside 3:47:43PM**
18 **the bar were all your friends?**
19 A People that I knew, my acquaintances. 3:47:48PM
20 **Q Was your brother friends with them 3:47:53PM**
21 **too?**
22 A Yeah, they were acquaintances. 3:47:55PM
23 **Q Was George Hesse friends with them? 3:47:57PM**
24 MR. NOVIKOFF: Objection. 3:47:59PM
25 A I don't know what George does. 3:48:00PM

<p style="text-align: right;">Page 289</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Okay. So let's just go back to you 3:48:02PM</p> <p>3 get to the side of the altercation, your brother</p> <p>4 tells you Jeanne is being choked and you're</p> <p>5 restraining somebody.</p> <p>6 A Yes. 3:48:13PM</p> <p>7 Q What happened next? 3:48:13PM</p> <p>8 A I told the guy to cool it. I said, 3:48:16PM</p> <p>9 listen, it isn't worth it. I said, right now</p> <p>10 you're all tanked up, you're fired up; but if</p> <p>11 you continue this way, tomorrow you're gonna</p> <p>12 wake up feeling bad and saying why didn't I</p> <p>13 listen to that cop when he told, me, like, hey,</p> <p>14 this is just a drunken, stupid bar thing, you</p> <p>15 know, cool it for a while.</p> <p>16 But with this, the three officers 3:48:41PM</p> <p>17 pulled up. You know, I don't know who they</p> <p>18 talked to outside. But I went in there and I</p> <p>19 said Jeanne was being strangled. Tommy said,</p> <p>20 bullshit, that never happened. And then Frank</p> <p>21 tapped me on the shoulder and smiled and said,</p> <p>22 Richie, we'll handle this.</p> <p>23 Q Well, let's go back to the time that 3:49:04PM</p> <p>24 the police officers got there.</p> <p>25 How long was it between the time that 3:49:09PM</p>	<p style="text-align: right;">Page 291</p> <p>1 RICHARD BOSETTI</p> <p>2 down, I didn't even look to see who was</p> <p>3 fighting. I went right to the door to get them</p> <p>4 to come inside. Because they're in uniform.</p> <p>5 You know, it's their tour. All right? They're</p> <p>6 not there. I come back, and I say to my brother</p> <p>7 had to take police action.</p> <p>8 Q So now I'm thoroughly confused. 3:50:24PM</p> <p>9 You testified you heard the 3:50:26PM</p> <p>10 altercation and then you were at the altercation</p> <p>11 between 10 and 15 seconds. Now you're</p> <p>12 testifying that there was a period where you</p> <p>13 heard the altercation, you went to go check</p> <p>14 outside -- you went to go peek outside, and then</p> <p>15 you came back in. Did that all happen in the</p> <p>16 same 10 seconds?</p> <p>17 MR. NOVIKOFF: Objection. 3:50:47PM</p> <p>18 A The altercation happened here, the 3:50:47PM</p> <p>19 pool table is 7 feet long. I went there, peeked</p> <p>20 out the door and then realized it was my</p> <p>21 brother.</p> <p>22 Q So that all happened in 10 seconds? 3:50:56PM</p> <p>23 MR. NOVIKOFF: Objection. 3:50:57PM</p> <p>24 A Whatever time it took me to get from 3:50:58PM</p> <p>25 one side of the bar to the other. Maybe 15.</p>
<p style="text-align: right;">Page 290</p> <p>1 RICHARD BOSETTI</p> <p>2 you arrived at the altercation to the time the</p> <p>3 police officers arrived?</p> <p>4 A Now we're going back to that again. 3:49:18PM</p> <p>5 Arrived at the altercation. When it was all,</p> <p>6 like, just done and we were just like cool it,</p> <p>7 cool it, cool it, then they arrived.</p> <p>8 Q All right. So I don't want to miss 3:49:33PM</p> <p>9 anything in the timeline. So you walk over to</p> <p>10 the altercation, your brother tells you about</p> <p>11 Jeanne?</p> <p>12 A Yeah. 3:49:39PM</p> <p>13 Q You're restraining somebody? 3:49:40PM</p> <p>14 A People are restraining these guys too. 3:49:41PM</p> <p>15 There were also bar goers, patrons, that were --</p> <p>16 and I guess the bouncers were restraining</p> <p>17 people.</p> <p>18 Q That was inside the bar? 3:49:50PM</p> <p>19 A That was inside the bar. I don't know 3:49:52PM</p> <p>20 what happened outside.</p> <p>21 Q You never went outside? 3:49:55PM</p> <p>22 A I went outside, I peeked out the door, 3:49:56PM</p> <p>23 because these guys were parked there all night</p> <p>24 long; and then come when it's late at night,</p> <p>25 they're gone. So as soon as the thing went</p>	<p style="text-align: right;">Page 292</p> <p>1 RICHARD BOSETTI</p> <p>2 Maybe 5. Whatever.</p> <p>3 MR. NOVIKOFF: Do you have any air? 3:51:11PM</p> <p>4 MR. GOODSTADT: We can open one of the 3:51:13PM</p> <p>5 windows.</p> <p>6 THE VIDEOGRAPHER: The time is 3:52. 3:51:16PM</p> <p>7 We're off the record.</p> <p>8 (Whereupon, a discussion was held off 3:53:27PM</p> <p>9 the record.)</p> <p>10 THE VIDEOGRAPHER: The time is 3:56. 3:55:55PM</p> <p>11 We are back on the record.</p> <p>12 MR. GOODSTADT: Did you want to make a 3:56:01PM</p> <p>13 correction?</p> <p>14 THE WITNESS: Yeah. The picture is 3:56:03PM</p> <p>15 deceiving. The bathroom is right here.</p> <p>16 That's where the men's room is. That's</p> <p>17 where the ladies' room is. See that on top</p> <p>18 there?</p> <p>19 BY MR. GOODSTADT: 3:56:12PM</p> <p>20 Q So the bathroom is -- 3:56:13PM</p> <p>21 A Right there. That's a wall. That's a 3:56:15PM</p> <p>22 corner there.</p> <p>23 Q The top left, is that the area of the 3:56:16PM</p> <p>24 bathroom?</p> <p>25 A Yeah. Uh-huh. 3:56:19PM</p>

Page 293

1 RICHARD BOSETTI

2 Q Okay. Now, just so I'm clear, you 3:56:20PM

3 didn't see Jeanne get strangled, did you?

4 A No. 3:56:28PM

5 Q And you did you actually witness any 3:56:28PM

6 of the actual altercation?

7 A No. 3:56:32PM

8 Q At the time that the police officers 3:56:33PM

9 arrived, the on-duty police officers, where were

10 you?

11 A I think I was somewhere nearby the 3:56:46PM

12 door, which would be around this area

13 (indicating).

14 Q Were you inside the door or outside 3:56:52PM

15 the door?

16 A Inside the door. 3:56:55PM

17 Q And which on-duty police officers did 3:56:57PM

18 you see there?

19 A Tommy Snyder, Kevin Lamm and Frank 3:57:01PM

20 Fiorillo.

21 Q What were you doing at the time that 3:57:11PM

22 the police officers who were on duty that night

23 arrived?

24 A We were more or less talking to the 3:57:15PM

25 perpetrators.

Page 294

1 RICHARD BOSETTI

2 Q Which ones? 3:57:20PM

3 A I don't know which one. 3:57:21PM

4 Q Were you talking to more than one? 3:57:22PM

5 A Right. I was talking -- I think it 3:57:24PM

6 was the little shorter guy, little shorter guy,

7 the stocky guy that I was talking to.

8 Q And you were talking to him inside the 3:57:31PM

9 bar?

10 A Yeah. 3:57:34PM

11 Q Who else was there when you were 3:57:36PM

12 talking to him?

13 A Dougie Wykoff, O'Rourke. I don't know 3:57:41PM

14 who else.

15 Q Were you friends with Doug Wykoff? 3:57:48PM

16 A Not friends like he invites me over to 3:57:56PM

17 his house and stuff like that; but if I see him

18 out, I'll go over and say hello to him and

19 everything else, but not -- no, not sociable

20 drinking buddies, if you want to call it that,

21 no.

22 Q Who is Doug Wykoff? 3:58:08PM

23 A He is a kindergarten teacher for the 3:58:10PM

24 Town of Ocean Beach.

25 Q Is he a resident of the beach? 3:58:15PM

Page 295

1 RICHARD BOSETTI

2 A Yes, he is. 3:58:17PM

3 Q Do you know whether he was drinking 3:58:18PM

4 that night?

5 A I don't know. I think he might have 3:58:20PM

6 been the bouncer that night.

7 Q So he was working at the bar that 3:58:23PM

8 night?

9 A Yeah, I think he was working in the 3:58:25PM

10 bar.

11 Q What leads you to believe that he was 3:58:27PM

12 working in the bar that night?

13 A I think he says that in one of his 3:58:28PM

14 statements.

15 Q So you learned that from the statement 3:58:32PM

16 as opposed to something that happened at the

17 bar?

18 A I might have learned it the next 3:58:38PM

19 day --

20 MR. NOVIKOFF: Objection. 3:58:39PM

21 A He was there at the bar. It's just 3:58:43PM

22 that I'm not sure of his capacity, if he was

23 working as a bouncer, if I found that out right

24 away or the next day.

25 Q And you don't know whether he was 3:58:54PM

Page 296

1 RICHARD BOSETTI

2 drinking?

3 A No. Probably if he was bouncing, he 3:58:56PM

4 probably wasn't.

5 Q But you don't know if he was bouncing? 3:58:59PM

6 A I don't know. I don't know. Yeah. 3:59:02PM

7 It's all in that statement.

8 Q But it's possible if he was bouncing, 3:59:05PM

9 that he was drinking, correct?

10 MR. NOVIKOFF: Objection. 3:59:08PM

11 A Well, if I was bouncing, I wouldn't 3:59:09PM

12 want to get sloshed.

13 Q I understand that. But it's possible 3:59:14PM

14 that he was, right?

15 MR. NOVIKOFF: Objection. 3:59:16PM

16 A Anything's possible. 3:59:17PM

17 Q At what point did you identify 3:59:19PM

18 yourself as a police officer?

19 A As soon as I got to the -- to the part 3:59:23PM

20 where the rumble was and they were holding --

21 guys were holding the perpetrators back.

22 Q Was that before or after Gary told you 3:59:31PM

23 that Jeanne was being choked?

24 A I don't know. I don't know. It was 3:59:39PM

25 right around that time. I don't know if it was

Page 297

1 RICHARD BOSETTI

2 a few seconds before, a few seconds after.

3 **Q What else did Gary tell you about the 3:59:47PM**

4 **altercation at that time?**

5 A Jeanne was being choked. They all 3:59:51PM

6 jumped me, and they kicked me in the face and in

7 the arm. One guy grabbed his -- kicked him in

8 the face and arm. One guy grabbed him around

9 the legs to try to get him down, and the other

10 guy was hitting him.

11 **Q And he told you all this at the time? 4:00:07PM**

12 A He told me that through the course of 4:00:09PM

13 the next minute or two, you know.

14 **Q Did he tell you all that before or 4:00:20PM**

15 **after you were helping to push back some of**

16 **these people?**

17 A Well, when I -- when I saw my brother 4:00:26PM

18 he was banged up, so I figured he got a couple

19 of lumps from these guys.

20 **Q Did you speak to Jeanne that night at 4:00:40PM**

21 **all?**

22 A Yes. 4:00:42PM

23 **Q At the bar? 4:00:43PM**

24 A No. 4:00:44PM

25 **Q Was she still at the bar at this time? 4:00:46PM**

Page 298

1 RICHARD BOSETTI

2 A I don't know. 4:00:48PM

3 **Q Did you look for her? 4:00:49PM**

4 A I found her in CJ's. 4:00:51PM

5 **Q Afterwards, though, right? 4:00:58PM**

6 A Right. 4:00:59PM

7 **Q So we'll get to that after. 4:01:00PM**

8 **Did you look for Jeanne in Houser's -- 4:01:02PM**

9 A No. 4:01:05PM

10 **Q -- that night? 4:01:05PM**

11 A Because the officers know who Jeanne 4:01:08PM

12 was. They could've gotten in touch with her

13 whenever they wanted to.

14 **Q You were the first police officer on 4:01:13PM**

15 **the scene, though, correct?**

16 A Yes. 4:01:16PM

17 MR. NOVIKOFF: Objection. 4:01:17PM

18 MR. GOODSTADT: What's the basis of 4:01:19PM

19 that objection?

20 MR. NOVIKOFF: I think the form of the 4:01:21PM

21 question was improper.

22 BY MR. GOODSTADT: 4:01:24PM

23 **Q Do you know what I mean when I say the 4:01:25PM**

24 **first officer on the scene?**

25 A Yes. Then you're taking back that I 4:01:28PM

Page 299

1 RICHARD BOSETTI

2 was never a cop there.

3 **Q Well, at least at the time. What does 4:01:32PM**

4 **it mean to be the first officer on the scene?**

5 A I was at the scene when it started. I 4:01:37PM

6 went over to the scene. I was given

7 information. And then the officers walked in,

8 the officers that were on duty walked in.

9 **Q Is it your understanding that at that 4:01:47PM**

10 **point in time, you had authority to make**

11 **arrests?**

12 A Sure. 4:01:55PM

13 **Q Did you arrest anyone that night? 4:01:56PM**

14 A No, I didn't. 4:01:58PM

15 **Q How come? 4:01:59PM**

16 A Frank told me he would handle it. 4:02:00PM

17 **Q Prior to Frank getting there, you 4:02:03PM**

18 **didn't make any arrests?**

19 A I didn't read any Miranda or anything. 4:02:06PM

20 When this was going down before my brother

21 actually told me what was going on, I knew he

22 got hit and everything else, the police came.

23 He said he would handle it. If he said we're

24 not gonna handle this, I would've made a collar.

25 But it's always better to let the officer on

Page 300

1 RICHARD BOSETTI

2 duty make the arrest.

3 **Q And your brother didn't make any 4:02:28PM**

4 **arrests that night?**

5 A No. He would've. 4:02:31PM

6 **Q What do you mean, he would've? 4:02:33PM**

7 A If the officers that were on duty and 4:02:35PM

8 came to the scene said that we're not gonna do

9 anything about this, then Gary would've had to

10 make the arrest, because otherwise we're leaving

11 ourselves open. So when that one officer says

12 to you, to another officer, Richie, I'm gonna

13 handle it, you're trusting him that he's gonna

14 handle it, not that he's going to go back and

15 falsify reports and falsify information to try

16 to get you locked up, and in two weeks the judge

17 would say that these guys are actually crazy.

18 The Bosetti brothers acted perfectly normal,

19 lock up those guys.

20 **Q Where was your brother when the 4:03:09PM**

21 **on-duty police officers arrived?**

22 A I don't know. Right around this area. 4:03:14PM

23 I can't say for sure.

24 **Q By the way, did -- were any of the 4:03:17PM**

25 **plaintiffs in this case affected by the need to**

<p style="text-align: right;">Page 301</p> <p>1 RICHARD BOSETTI</p> <p>2 take all these battery of tests for civil</p> <p>3 service --</p> <p>4 MR. NOVIKOFF: Objection. 4:03:26PM</p> <p>5 BY MR. GOODSTADT: 4:03:27PM</p> <p>6 Q -- in 2005? 4:03:27PM</p> <p>7 A I don't understand that question. 4:03:28PM</p> <p>8 Q You mentioned a bunch of people who 4:03:29PM</p> <p>9 were affected by having to take this battery of</p> <p>10 tests for civil service, correct? You mentioned</p> <p>11 yourself, you mentioned your brother, you</p> <p>12 mentioned Ty Bacon, right? Do you remember</p> <p>13 that?</p> <p>14 A Yeah. 4:03:41PM</p> <p>15 Q Were any of the plaintiffs required to 4:03:41PM</p> <p>16 take those tests at that time?</p> <p>17 A I don't even know if I knew about the 4:03:46PM</p> <p>18 test taking then.</p> <p>19 Q No, I'm talking about in '05, sort of 4:03:49PM</p> <p>20 jumping around a bit here.</p> <p>21 A But this happened in '04 -- 4:03:51PM</p> <p>22 MR. NOVIKOFF: You're jumping to '05. 4:03:52PM</p> <p>23 A Well, Ty Bacon knew what these 4:03:56PM</p> <p>24 officers did to us in '05.</p> <p>25 Q I'll come back to it later. 4:04:02PM</p>	<p style="text-align: right;">Page 303</p> <p>1 RICHARD BOSETTI</p> <p>2 A I told him to leave the scene, because 4:04:53PM</p> <p>3 Frank said they're going to handle the</p> <p>4 situation. Now, if he's going to handle the</p> <p>5 situation, I don't want my brother back in that</p> <p>6 bar by himself and these guys are gonna come</p> <p>7 back drunk and kick his ass. So I said, just</p> <p>8 go, go back to Elyse's. I'm not gonna sleep</p> <p>9 there, because otherwise it looks bad. I'll be</p> <p>10 sleeping in the barracks.</p> <p>11 Q What do you mean, otherwise it looks 4:05:12PM</p> <p>12 bad?</p> <p>13 A Because then it's gonna be said that, 4:05:14PM</p> <p>14 oh, they disappeared after that. So I did</p> <p>15 everything right. Gary, you go sleep in a</p> <p>16 comfortable bed over at Mike's house. I'll go</p> <p>17 to the barracks. I'll monitor the phone, I'll</p> <p>18 see what the heck is going on here.</p> <p>19 Q So you instructed your brother to 4:05:31PM</p> <p>20 leave the scene of what happened there that</p> <p>21 night?</p> <p>22 A Yeah. After the officers said that 4:05:35PM</p> <p>23 they were gonna handle it and I told them where</p> <p>24 I would be and my brother.</p> <p>25 Q I understand that. But I just want to 4:05:45PM</p>
<p style="text-align: right;">Page 302</p> <p>1 RICHARD BOSETTI</p> <p>2 So was your brother -- where was your 4:04:07PM</p> <p>3 brother when the on-duty officers arrived?</p> <p>4 A Somewhere in the area of that picture. 4:04:11PM</p> <p>5 Q Do you know where? 4:04:13PM</p> <p>6 A No. 4:04:14PM</p> <p>7 Q Do you know whether he spoke to any of 4:04:19PM</p> <p>8 the on-duty officers who came?</p> <p>9 A I don't think he did. 4:04:23PM</p> <p>10 Q Why not? 4:04:24PM</p> <p>11 MR. NOVIKOFF: Objection. 4:04:26PM</p> <p>12 A Because they were talking to me. 4:04:28PM</p> <p>13 Q Well, you didn't witness the incident, 4:04:30PM</p> <p>14 correct?</p> <p>15 A Correct. Officers should've went 4:04:32PM</p> <p>16 right to my brother and asked him what was going</p> <p>17 on.</p> <p>18 Q Did they try to find your brother? 4:04:38PM</p> <p>19 A Sure. I told them exactly where I 4:04:40PM</p> <p>20 was, and I said, if you need us, let us know.</p> <p>21 In fact, I thought I told you where Gary was</p> <p>22 too, because that's how Paradiso knew where to</p> <p>23 find us.</p> <p>24 Q Well, did your brother leave the scene 4:04:51PM</p> <p>25 at some point?</p>	<p style="text-align: right;">Page 304</p> <p>1 RICHARD BOSETTI</p> <p>2 know if you instructed your brother to leave the</p> <p>3 scene.</p> <p>4 A Yes, I did. 4:05:50PM</p> <p>5 Q Did you suggest to your brother that 4:06:03PM</p> <p>6 he should speak to the on-duty officers?</p> <p>7 A The on-duty officers knew where to 4:06:07PM</p> <p>8 find him.</p> <p>9 Q That wasn't the question. 4:06:10PM</p> <p>10 A No. 4:06:11PM</p> <p>11 Q Did you ever suggest to your 4:06:12PM</p> <p>12 brother --</p> <p>13 A No. I told my brother -- 4:06:14PM</p> <p>14 MR. FEHRINGER: Let him finish the 4:06:17PM</p> <p>15 question before you answer.</p> <p>16 BY MR. GOODSTADT: 4:06:20PM</p> <p>17 Q The question was whether you ever 4:06:20PM</p> <p>18 suggested to your brother that maybe he should</p> <p>19 speak to the on-duty officers, give a statement?</p> <p>20 A No. I said, get out of here. I said, 4:06:27PM</p> <p>21 Frank's gonna handle it. He knows where you</p> <p>22 are.</p> <p>23 Q Do you know who Matt Bellows is? 4:06:35PM</p> <p>24 A I'm sorry? 4:06:37PM</p> <p>25 Q Matt Bellows? 4:06:38PM</p>

Page 305

1 **RICHARD BOSETTI**

2 A If he's the plumber, then I know. 4:06:39PM

3 **Q Was he there that night at the bar? 4:06:41PM**

4 A I don't know. 4:06:43PM

5 **Q How did your brother get off the 4:06:44PM**

6 island?

7 A Matt took us off. 4:06:46PM

8 **Q At what time? 4:06:48PM**

9 A 9:00, 9:30. 4:06:49PM

10 **Q In the morning? 4:06:52PM**

11 A Maybe later. Maybe later. It was 4:06:53PM

12 Halloween -- or it might have been earlier. It

13 was Halloween. He wanted to get home and take

14 his daughter trick or treating.

15 **Q So earlier than 9:00 or 9:30 a.m.? 4:07:01PM**

16 A It might have been. 4:07:05PM

17 **Q How did you get off the island? 4:07:07PM**

18 A Matt took us off the island. 4:07:09PM

19 **Q On his boat? 4:07:10PM**

20 A Yeah. 4:07:11PM

21 **Q And where did the boat leave from and 4:07:12PM**

22 arrive at?

23 A Matt took his boat, picked us up over 4:07:15PM

24 by where they dump the garbage.

25 **Q Which is where? 4:07:25PM**

Page 306

1 **RICHARD BOSETTI**

2 A I forgot the name of the street. It's 4:07:31PM

3 the last street in town.

4 **Q Did you tell anyone that you were 4:07:35PM**

5 leaving the island, anyone in the police

6 department that you were leaving the island?

7 A No. But I made a phone call at 5:00 4:07:40PM

8 in the morning, and I have phone records to it,

9 4:00 -- I think the clock was put ahead that

10 night. And I have phone records showing that I

11 called the precinct, and I said let me know

12 what's going on and, no matter what happened

13 that night, my brother was gonna leave to take

14 his kid trick or treating.

15 **Q Who did you tell that your brother was 4:08:01PM**

16 going to leave to take his kid trick or

17 treating?

18 A Gary was gonna leave. He was adamant 4:08:05PM

19 about taking his kids trick or treating.

20 **Q Did you tell anyone in the police 4:08:09PM**

21 department that Gary was leaving the island?

22 A That Gary was what? 4:08:14PM

23 **Q Was leaving the island. 4:08:15PM**

24 MR. NOVIKOFF: Objection. 4:08:17PM

25 A I'm not sure. 4:08:18PM

Page 307

1 **RICHARD BOSETTI**

2 **Q Did you tell anyone that you were 4:08:19PM**

3 leaving the island, anyone from the police

4 department that you were leaving the police

5 island?

6 MR. NOVIKOFF: Objection. 4:08:22PM

7 A No. And I didn't want to talk to 4:08:23PM

8 Paradiso, because I didn't want to hear his

9 crap.

10 **Q What do you mean by that? 4:08:27PM**

11 A Oh, you guys went out, dah, dah, dah, 4:08:28PM

12 you went out, and all this other stuff, this

13 wouldn't have happened. You know what? Maybe

14 it wouldn't have happened, but Jeanne would've

15 gotten strangled. And I don't care if it was

16 not nice for me to be at the bar or not. I seen

17 that happen, I seen a crime go down -- my

18 brother saw the crime go down, not me. He saw

19 this lady getting strangled. She was in her

20 50s, these kids were in their 20s, and he jumped

21 right in, just like anybody else in this room

22 should do if they see something go down with an

23 older person.

24 **Q Well, had Paradiso ever given you that 4:08:58PM**

25 speech about going out to the bars on the island

Page 308

1 **RICHARD BOSETTI**

2 **prior to November of '04?**

3 A No, but I knew it would be coming. 4:09:05PM

4 **Q What makes you think it would be 4:09:09PM**

5 coming, if he had never spoken to you?

6 A Because even with the NYPD, even 4:09:11PM

7 though you're doing your job and you take police

8 action, if it's in a bar, the bosses always

9 frown upon it. Oh man, oh man, oh man. If you

10 happen to catch somebody doing a rape in broad

11 daylight in the middle of the street and you're

12 off duty, oh, fine, you look great. But if

13 you're in a bar, an alcoholic establishment,

14 they frown on it.

15 **Q How come? 4:09:38PM**

16 A I don't know. I guess because it's 4:09:39PM

17 alcoholic establishment. But it doesn't matter

18 to me, because Jeanne's still alive. There were

19 witnesses. The guys copped a plea. The judge

20 was on my side. So I'm glad that Gary took that

21 police action. Imagine if he didn't. What

22 would the people have thought of him then? The

23 two brothers are in a bar, they all know them.

24 And they didn't do a thing to help this lady?

25 Come on.

<p style="text-align: right;">Page 309</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Did you provide any statements to the 4:10:14PM</p> <p>3 on-duty officers that night at the bar?</p> <p>4 A Not on paper. 4:10:19PM</p> <p>5 Q Verbally, you did? 4:10:21PM</p> <p>6 A Yeah, verbally, I did. 4:10:22PM</p> <p>7 Q Who did you provide the statement to? 4:10:24PM</p> <p>8 A I don't remember. It was Frank. I 4:10:26PM</p> <p>9 said, we'll be at this house; you can find us at</p> <p>10 this house. I placed a phone call to him. I</p> <p>11 told him where Gary would be. And they spent</p> <p>12 more time looking for the perp to hang the cops,</p> <p>13 instead of doing the right thing and locking the</p> <p>14 proper people up.</p> <p>15 Q The question was: Who did you give a 4:10:45PM</p> <p>16 statement to that night at the bar?</p> <p>17 A Oh, written? 4:10:49PM</p> <p>18 Q Well, you said you didn't give a 4:10:51PM</p> <p>19 written statement. Did you give a verbal</p> <p>20 statement.</p> <p>21 A Yeah. 4:10:55PM</p> <p>22 Q Who did you give the verbal statement 4:10:55PM</p> <p>23 to?</p> <p>24 MR. NOVIKOFF: Objection. 4:10:57PM</p> <p>25 A I just told you, the responding 4:10:57PM</p>	<p style="text-align: right;">Page 311</p> <p>1 RICHARD BOSETTI</p> <p>2 A That was before Frank said that. 4:11:50PM</p> <p>3 Q Okay. So before you knew that the 4:11:50PM</p> <p>4 on-duty officers were the ones that were going</p> <p>5 to take care of it, you were told by Tom Snyder</p> <p>6 that if Jeanne was there, why don't you go get</p> <p>7 her and bring her out?</p> <p>8 A Right. And then there's a tap on my 4:12:01PM</p> <p>9 shoulder, Frank, Rich, we'll take care of it.</p> <p>10 Go.</p> <p>11 Q So you took that to mean don't go get 4:12:07PM</p> <p>12 Jeanne?</p> <p>13 A No, no. I took it to mean that 4:12:11PM</p> <p>14 they're gonna handle it. Handling means they</p> <p>15 get their witnesses together, they get their</p> <p>16 people together, and not listen to the perps.</p> <p>17 Oh, we didn't do nothing. And then all of a</p> <p>18 sudden, two weeks later, oh, yeah, we did do</p> <p>19 something. The judge -- ask the judge. They</p> <p>20 laughed them out of court with that bogus report</p> <p>21 they were writing.</p> <p>22 Q Did you respond to Snyder after he 4:12:34PM</p> <p>23 told you, bullshit, it never happened, and if it</p> <p>24 did, bring her out?</p> <p>25 A Frank then told me get out of here. I 4:12:42PM</p>
<p style="text-align: right;">Page 310</p> <p>1 RICHARD BOSETTI</p> <p>2 officers.</p> <p>3 Q Which responding officer did you give 4:11:00PM</p> <p>4 a statement to at the bar?</p> <p>5 A Well, first outside was Snyder. 4:11:03PM</p> <p>6 Q What did you tell Snyder? 4:11:05PM</p> <p>7 A That Jeanne was strangled. 4:11:07PM</p> <p>8 Q What was his response? 4:11:09PM</p> <p>9 A Bullshit, that never happened. 4:11:11PM</p> <p>10 Q Did he say anything else other than, 4:11:13PM</p> <p>11 bullshit, that never happened?</p> <p>12 A I don't recall. I don't recall. 4:11:18PM</p> <p>13 Q Did he tell you if it did happen, you 4:11:19PM</p> <p>14 should go get her and bring her out?</p> <p>15 A That's in the statement, I think. 4:11:24PM</p> <p>16 That's in the statement. Yeah, but we did have</p> <p>17 Jeanne, and he could've got her. He knew who</p> <p>18 Jeanne was. He's handling the call.</p> <p>19 Q Well, if he had asked you to -- well, 4:11:32PM</p> <p>20 strike that.</p> <p>21 When you told him that Jeanne was 4:11:34PM</p> <p>22 strangled and he told you bullshit, that never</p> <p>23 happened, but if it did, why don't you get her,</p> <p>24 was before or after Frank told you we're gonna</p> <p>25 take care of this?</p>	<p style="text-align: right;">Page 312</p> <p>1 RICHARD BOSETTI</p> <p>2 got out of there.</p> <p>3 Q The question was: Did you respond to 4:12:46PM</p> <p>4 Snyder?</p> <p>5 A Not that I know of. 4:12:48PM</p> <p>6 Q And how long after Snyder told you 4:12:50PM</p> <p>7 that, did Frank tap you on the shoulder and tell</p> <p>8 you that they would take care of it?</p> <p>9 A Immediately. 4:12:57PM</p> <p>10 Q And did you respond to Frank? 4:12:58PM</p> <p>11 A I don't know if I said yeah, okay or 4:13:01PM</p> <p>12 not. I nodded my head, maybe, and left. Went</p> <p>13 back into the bar and tended to my brother.</p> <p>14 Q How long did you go back into the bar 4:13:09PM</p> <p>15 and tend to your brother prior to leaving?</p> <p>16 A It was probably long enough for me to 4:13:13PM</p> <p>17 say, are you all right? Okay. Snyder says he's</p> <p>18 gonna handle it or, you know, the guys said</p> <p>19 they're gonna handle it. Why don't you go back</p> <p>20 to the house.</p> <p>21 Q At that point in time did you know 4:13:26PM</p> <p>22 that your brother used a pool cue to hit</p> <p>23 somebody?</p> <p>24 A Yeah. 4:13:31PM</p> <p>25 Q How come that's not in your statement? 4:13:32PM</p>

<p style="text-align: right;">Page 313</p> <p>1 RICHARD BOSETTI</p> <p>2 A Because I didn't see my brother hit 4:13:34PM</p> <p>3 somebody with a pool cue.</p> <p>4 Q Well, you testified to some -- well, 4:13:38PM</p> <p>5 you wrote in here some other stuff that your</p> <p>6 brother told you, right?</p> <p>7 A If my brother -- if any police officer 4:13:42PM</p> <p>8 says he had to take physical force, police</p> <p>9 action, I'm not going to ask him, did you hit</p> <p>10 him in the crotch? Did you pull his nuts? Did</p> <p>11 you step on his foot? He took police action, he</p> <p>12 had to use force, he used force. That's all</p> <p>13 there was to it.</p> <p>14 Q When did you learn that he used a pool 4:13:56PM</p> <p>15 cue?</p> <p>16 A I don't know if it was that night or 4:13:58PM</p> <p>17 the day after or what.</p> <p>18 Q But you just testified a moment ago 4:14:01PM</p> <p>19 that he told you that night --</p> <p>20 MR. NOVIKOFF: Objection. 4:14:04PM</p> <p>21 BY MR. GOODSTADT: 4:14:05PM</p> <p>22 Q -- before he left. 4:14:05PM</p> <p>23 A I don't know when he told me about the 4:14:06PM</p> <p>24 pool cue. He said he to take police action. I</p> <p>25 never told you how he said how he took his</p>	<p style="text-align: right;">Page 315</p> <p>1 RICHARD BOSETTI</p> <p>2 protected himself, and that's all there is to</p> <p>3 it.</p> <p>4 Q Do you know what happened to that pool 4:15:16PM</p> <p>5 cue?</p> <p>6 A No. 4:15:23PM</p> <p>7 Q Do you know if the pool cue broke? 4:15:27PM</p> <p>8 A Did it? 4:15:29PM</p> <p>9 Q I'm asking if you know whether it did 4:15:30PM</p> <p>10 break.</p> <p>11 A I don't know. I don't know. 4:15:32PM</p> <p>12 Q Did you ever see the pool cue that was 4:15:33PM</p> <p>13 used?</p> <p>14 A I think in a picture. 4:15:35PM</p> <p>15 Q You saw a picture of it? 4:15:37PM</p> <p>16 A Yeah. 4:15:39PM</p> <p>17 Q Was the pool cue broken? 4:15:39PM</p> <p>18 A I don't know. I don't recall. 4:15:41PM</p> <p>19 Q Who took the picture? 4:15:44PM</p> <p>20 A I don't know. 4:15:45PM</p> <p>21 Q When did you see the picture? 4:15:46PM</p> <p>22 A I don't know. 4:15:47PM</p> <p>23 Q Who showed you the picture? 4:15:49PM</p> <p>24 A I don't know.. 4:15:51PM</p> <p>25 Q How do you know that was the pool cue 4:15:51PM</p>
<p style="text-align: right;">Page 314</p> <p>1 RICHARD BOSETTI</p> <p>2 police action.</p> <p>3 MR. GOODSTADT: Can we just go up a 4:14:17PM</p> <p>4 little bit.</p> <p>5 (Whereupon, a discussion was held off 4:14:19PM</p> <p>6 the record.)</p> <p>7 BY MR. GOODSTADT: 4:14:38PM</p> <p>8 Q I asked you at that point in time, 4:14:39PM</p> <p>9 when you went back in, did you know that your</p> <p>10 brother had to use a pool cue to hit someone,</p> <p>11 and you testified yes. Now I'm asking you --</p> <p>12 A Okay, yes. 4:14:48PM</p> <p>13 MR. NOVIKOFF: Wait. 4:14:50PM</p> <p>14 Q -- why wasn't that in your statement? 4:14:50PM</p> <p>15 MR. NOVIKOFF: Objection. 4:14:53PM</p> <p>16 A Because everyone knew he used a pool 4:14:53PM</p> <p>17 cue to hit somebody. He probably put it in his</p> <p>18 statement. I don't know. He used physical</p> <p>19 force to get the job done. If he would've had a</p> <p>20 radio, he would've hit him with a radio.</p> <p>21 Q My question was: Why didn't you put 4:15:03PM</p> <p>22 it into your statement?</p> <p>23 MR. NOVIKOFF: Objection.. 4:15:06PM</p> <p>24 A Why didn't I? I don't know. I don't 4:15:06PM</p> <p>25 know. All I know is the job was done, he</p>	<p style="text-align: right;">Page 316</p> <p>1 RICHARD BOSETTI</p> <p>2 that was used on him?</p> <p>3 A There was some guy holding up -- an 4:15:54PM</p> <p>4 officer, maybe Cherry, maybe Officer Cherry was</p> <p>5 holding up a pool cue. So I assumed it had to</p> <p>6 do with an investigation, and that must have</p> <p>7 been the pool cue.</p> <p>8 Q When did you see the pictures that 4:16:06PM</p> <p>9 Officer Cherry took?</p> <p>10 A I don't know. 4:16:09PM</p> <p>11 Q Was it before or after you gave your 4:16:09PM</p> <p>12 statement?</p> <p>13 A I don't know. 4:16:12PM</p> <p>14 Q Did you ever see a field report that 4:16:15PM</p> <p>15 was filed by the on-duty officers that night?</p> <p>16 A Not that night. 4:16:19PM</p> <p>17 Q Well, I'm not asking whether you saw 4:16:21PM</p> <p>18 it that night. I'm asking you whether you saw a</p> <p>19 field report that they filed that night.</p> <p>20 A Yes. 4:16:27PM</p> <p>21 Q When did you see that? 4:16:28PM</p> <p>22 A I'm not sure. 4:16:29PM</p> <p>23 Q How many versions of that field report 4:16:30PM</p> <p>24 have you seen?</p> <p>25 MR. NOVIKOFF: Objection. 4:16:33PM</p>

Page 317	Page 319
<p>1 RICHARD BOSETTI</p> <p>2 A I think it was three. 4:16:34PM</p> <p>3 Q When was the first time you saw a 4:16:40PM</p> <p>4 version of the field report that was filed that</p> <p>5 night?</p> <p>6 A I don't know. 4:16:46PM</p> <p>7 Q When was the second version that you 4:16:47PM</p> <p>8 saw of the field report that was filed that</p> <p>9 night?</p> <p>10 A I don't know. 4:16:51PM</p> <p>11 Q When was the third version of the 4:16:52PM</p> <p>12 field report that was filed that night that you</p> <p>13 saw?</p> <p>14 A I don't know. 4:16:56PM</p> <p>15 Q How did the different versions of the 4:16:57PM</p> <p>16 field report differ from one to the next?</p> <p>17 A Oh, you mean if they contradicted each 4:17:03PM</p> <p>18 other?</p> <p>19 Q I'm talking about a field report now. 4:17:06PM</p> <p>20 A Yeah. They had to make up a field 4:17:08PM</p> <p>21 report.</p> <p>22 Q Right. 4:17:10PM</p> <p>23 A I'm thinking of the statement. I 4:17:11PM</p> <p>24 don't know what the field report said.</p> <p>25 Q Have you ever seen a field report? 4:17:14PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 pool cue looked like you, but only shorter?</p> <p>3 A No. They said it to him, to them. 4:18:14PM</p> <p>4 Q They said what to them? 4:18:16PM</p> <p>5 A They looked at a picture, and they 4:18:18PM</p> <p>6 said this is the guy over here, supposedly in</p> <p>7 the precinct.</p> <p>8 Q Do you recall at the bar -- 4:18:26PM</p> <p>9 A At the bar? 4:18:30PM</p> <p>10 Q -- one of the guys pointing to you and 4:18:30PM</p> <p>11 saying, the guy who hit us with the pool cue</p> <p>12 looks like this, but only shorter?</p> <p>13 A Why would they say that? My brother 4:18:38PM</p> <p>14 was there when that was happening.</p> <p>15 Q The question is whether you recall 4:18:43PM</p> <p>16 anyone saying that.</p> <p>17 A No, I don't remember that. 4:18:45PM</p> <p>18 Q Where did you go -- strike that. 4:18:47PM</p> <p>19 How long after your discussion with 4:18:49PM</p> <p>20 Frank Fiorillo where he told you he was gonna</p> <p>21 take care of it, how long was it between that</p> <p>22 time and the time you left Houser's?</p> <p>23 A A minute or two. 4:19:07PM</p> <p>24 Q So Frank told you that he was going to 4:19:10PM</p> <p>25 take care of it, you went back in and told your</p>
Page 318	Page 320
<p>1 RICHARD BOSETTI</p> <p>2 A I'm thinking about the individual 4:17:17PM</p> <p>3 statements, I'm sorry.</p> <p>4 Q Have you ever seen a field report? 4:17:19PM</p> <p>5 A I'm not sure. 4:17:21PM</p> <p>6 Q When was the first time you saw the 4:17:25PM</p> <p>7 other witness statements that you testified to</p> <p>8 before?</p> <p>9 A I think it was weeks afterwards, maybe 4:17:35PM</p> <p>10 a week, two weeks.</p> <p>11 Q So within one or two weeks? 4:17:38PM</p> <p>12 A And I'm even taking a guess at this. 4:17:40PM</p> <p>13 Yeah one or two weeks maybe.</p> <p>14 Q So at some point in the first or 4:17:43PM</p> <p>15 second week of November, you saw those</p> <p>16 statements?</p> <p>17 A Yeah, maybe. 4:17:47PM</p> <p>18 Q When was the first time you saw your 4:17:48PM</p> <p>19 brother's report or statement?</p> <p>20 A I don't know. 4:17:52PM</p> <p>21 Q You don't recall? 4:17:55PM</p> <p>22 A No. 4:17:56PM</p> <p>23 Q Do you recall one of the people who 4:18:00PM</p> <p>24 were involved in the incident pointing to you</p> <p>25 and stating that the person who hit me with the</p>	<p>1 RICHARD BOSETTI</p> <p>2 brother to leave, and then you left within a</p> <p>3 minute or two?</p> <p>4 A Yeah. I told him where we would be. 4:19:18PM</p> <p>5 Call me if you need me.</p> <p>6 Q When did you tell him where you'd be? 4:19:23PM</p> <p>7 A I'd be in the barracks. 4:19:25PM</p> <p>8 Q When did you tell him where you'd be? 4:19:28PM</p> <p>9 A I don't know. 4:19:30PM</p> <p>10 Q Was it before or after Frank told you 4:19:30PM</p> <p>11 that they're gonna take care of it?</p> <p>12 MR. NOVIKOFF: Objection. Asked and 4:19:34PM</p> <p>13 answered.</p> <p>14 A I don't know. Probably -- wait. It 4:19:35PM</p> <p>15 probably would've been afterwards I told him</p> <p>16 that.</p> <p>17 Q So after Frank told you that they're 4:19:41PM</p> <p>18 gonna take care of it but before you left the</p> <p>19 bar a minute or two later, you told him where</p> <p>20 you'd be?</p> <p>21 A I think, yeah. 4:19:52PM</p> <p>22 Q Did you ever hear any of the people 4:19:54PM</p> <p>23 whom your brother got into an altercation with</p> <p>24 state anything about a coverup?</p> <p>25 MR. NOVIKOFF: When? 4:20:03PM</p>

Page 321

1 RICHARD BOSETTI

2 MR. GOODSTADT: That night or the next 4:20:05PM

3 morning.

4 A No. They did, from what I understand. 4:20:10PM

5 They heard this, there's gonna be a coverup.

6 **Q What is your understanding of that 4:20:17PM**

7 **based on?**

8 A From when I went into the precinct. I 4:20:19PM

9 went into the precinct. They said, we're still

10 handling it. And then I left because one of

11 them said, Rich, Rich, maybe it's better you

12 leave. To me, it sounded like they wanted to do

13 their dirty work and get rid of me. I didn't

14 know what they were doing, so I left.

15 **Q Let me get back to you coming back to 4:20:39PM**

16 **the station in a minute.**

17 **But my question is: How did you learn 4:20:42PM**

18 **that one of the three people that your brother**

19 **was in an altercation with stated something**

20 **about a coverup?**

21 A I don't know. 4:20:52PM

22 **Q You don't know who told you that? 4:20:52PM**

23 A No. No, I don't know. 4:20:54PM

24 **Q But you said that apparently they said 4:20:56PM**

25 **it to the on-duty officers. How did you learn**

Page 322

1 RICHARD BOSETTI

2 **that they said it to the on-duty officers?**

3 A I think it's in the statement. 4:21:03PM

4 **Q So you learned it from the statement? 4:21:04PM**

5 MR. NOVIKOFF: Objection. 4:21:06PM

6 A I did, yeah. I'm pretty sure it's in 4:21:06PM

7 there. I should've read all the statements

8 yesterday. I only read one.

9 **Q Were any of the three guys that your 4:21:13PM**

10 **brother got into an altercation with injured?**

11 A One of them was injured. 4:21:17PM

12 **Q Which one? 4:21:18PM**

13 A The guy with the knocked-up face. 4:21:19PM

14 **Q Do you know what his name is? 4:21:23PM**

15 A O'Coot, Coot. 4:21:25PM

16 **Q Van Coot? 4:21:27PM**

17 A Yeah. I don't want to screw you up. 4:21:29PM

18 MR. GOODSTADT: Mark that, please. 4:21:31PM

19 A As a matter of fact, that's him. 4:21:34PM

20 (Whereupon, Bates document 3187-3189 4:21:36PM

21 was marked as R. Bosetti Exhibit 9 for

22 identification, as of this date.)

23 MR. GOODSTADT: I've placed in front 4:22:08PM

24 of Mr. Bosetti what's been marked as R.

25 Bosetti Exhibit 9. It is a three-page

Page 323

1 RICHARD BOSETTI

2 exhibit, bearing Bates 3187 through 3189.

3 (Hanging.)

4 BY MR. GOODSTADT: 4:22:20PM

5 **Q Do you recognize these photos? 4:22:20PM**

6 A Yeah, now that he's got the neck brace 4:22:22PM

7 on.

8 **Q What are these photos? 4:22:26PM**

9 MR. NOVIKOFF: Did he say he 4:22:28PM

10 recognizes these photos?

11 MR. GOODSTADT: I think he said 4:22:30PM

12 "yeah" --

13 THE WITNESS: Yeah, but not with the 4:22:31PM

14 neck brace on.

15 MR. NOVIKOFF: Let the record reflect 4:22:36PM

16 that the neck brace appears on the third

17 page of this exhibit.

18 BY MR. GOODSTADT: 4:22:40PM

19 **Q When did you first see these photos? 4:22:41PM**

20 A I'm not sure if I seen all of these or 4:22:43PM

21 if they were in the file when we went to court,

22 where those guys pleaded guilty and the other --

23 where this guy pleaded guilty and the other guy

24 ran away on a warrant.

25 **Q So you don't recall the first time you 4:22:59PM**

Page 324

1 RICHARD BOSETTI

2 **saw these pictures?**

3 A No. I think that was when these guys 4:23:01PM

4 went to court, when one of them went to court.

5 **Q You testified before that Joe Loeffler 4:23:07PM**

6 **was on rescue; is that correct?**

7 MR. NOVIKOFF: Objection. 4:23:12PM

8 BY MR. GOODSTADT: 4:23:13PM

9 **Q He was with EMT? 4:23:13PM**

10 A Yeah. It was in one of the 4:23:15PM

11 statements, I think..

12 **Q Was he on that night, do you know? 4:23:19PM**

13 A I don't know. 4:23:21PM

14 **Q So you weren't at the station when he 4:23:21PM**

15 **arrived?**

16 MR. NOVIKOFF: Objection. 4:23:23PM

17 A No. 4:23:24PM

18 **Q Did you ever hear that Joe Loeffler 4:23:24PM**

19 **made a statement that this was an assault second**

20 **with a dangerous instrument?**

21 MR. NOVIKOFF: Objection. 4:23:31PM

22 A It's in one of your reports. 4:23:32PM

23 **Q That's the only time you ever heard 4:23:32PM**

24 **it?**

25 A Yeah. 4:23:32PM

<p style="text-align: right;">Page 325</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Did you ever speak to Mr. Loeffler 4:23:33PM</p> <p>3 about the Halloween incident?</p> <p>4 A No. 4:23:37PM</p> <p>5 Q So you testified that you left the bar 4:23:39PM</p> <p>6 about a minute or two after Frank said we're</p> <p>7 gonna handle it, correct?</p> <p>8 A Yes. 4:23:45PM</p> <p>9 Q Where did you go from there? 4:23:46PM</p> <p>10 A I went to -- I don't know if I went to 4:23:53PM</p> <p>11 the precinct first or CJ's first. I'm not sure.</p> <p>12 Q So you don't know whether you went to 4:24:03PM</p> <p>13 CJ's or the precinct?</p> <p>14 A I don't know. I'm not sure which step 4:24:06PM</p> <p>15 I took.</p> <p>16 Q Is there anything that would refresh 4:24:09PM</p> <p>17 your recollection?</p> <p>18 A Huh? 4:24:12PM</p> <p>19 Q Is there anything that would refresh 4:24:12PM</p> <p>20 your recollection as to where you went first?</p> <p>21 A If I read my statement there. 4:24:16PM</p> <p>22 Q Who was in CJ's -- strike that. 4:24:25PM</p> <p>23 What time was it when you went to 4:24:28PM</p> <p>24 CJ's?</p> <p>25 A I don't know. 4:24:31PM</p>	<p style="text-align: right;">Page 327</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. NOVIKOFF: I think that's a bit 4:25:12PM</p> <p>3 unfair. I mean, if the witness is</p> <p>4 suggesting that he needs the statement to</p> <p>5 refresh his recollection and you don't want</p> <p>6 to show him the statement, that's fine. But</p> <p>7 then if you're going to read from the</p> <p>8 statement, I think that's a little</p> <p>9 inappropriate. Do what you need to do.</p> <p>10 MR. GOODSTADT: Your objection is 4:25:27PM</p> <p>11 noted.</p> <p>12 BY MR. GOODSTADT: 4:25:29PM</p> <p>13 Q I'm representing to you that your 4:25:29PM</p> <p>14 statement says, "At approximately 3:30 a.m., I</p> <p>15 was standing on the west end of the bar."</p> <p>16 A Okay. 4:25:35PM</p> <p>17 Q Does that refresh your recollection as 4:25:36PM</p> <p>18 to when the incident occurred?</p> <p>19 A If that's what I wrote -- 4:25:38PM</p> <p>20 MR. NOVIKOFF: Objection. 4:25:39PM</p> <p>21 A If that's what I wrote, that's what it 4:25:40PM</p> <p>22 is.</p> <p>23 Q So using that 3:30, assuming that's 4:25:41PM</p> <p>24 accurate, how long after that did you go to</p> <p>25 CJ's, after you heard the altercation?</p>
<p style="text-align: right;">Page 326</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Approximately what time? 4:24:31PM</p> <p>3 A After midnight. Well after midnight. 4:24:33PM</p> <p>4 Q What time did the altercation happen? 4:24:36PM</p> <p>5 A Well after midnight. 4:24:39PM</p> <p>6 Q Well, in your statement it says at 4:24:42PM</p> <p>7 approximately 3:30 a.m.?</p> <p>8 A Okay. Am I allowed to have a 4:24:45PM</p> <p>9 statement here to refresh my memory or do I just</p> <p>10 have to go by --</p> <p>11 MR. NOVIKOFF: Yeah. 4:24:51PM</p> <p>12 THE WITNESS: I can have my -- 4:24:53PM</p> <p>13 MR. NOVIKOFF: He's entitled to see 4:24:53PM</p> <p>14 what you remember.</p> <p>15 A It was after one or two -- maybe after 4:24:55PM</p> <p>16 one, well after one. I don't know one. I don't</p> <p>17 remember.</p> <p>18 Q I'm going to represent to you that 4:25:01PM</p> <p>19 your statement says, "At approximately</p> <p>20 3:30 a.m., I was standing on the west end of the</p> <p>21 bar."</p> <p>22 A Okay. 4:25:09PM</p> <p>23 Q Does that refresh your recollection? 4:25:11PM</p> <p>24 A Yeah, all right. So then that's when 4:25:12PM</p> <p>25 it was.</p>	<p style="text-align: right;">Page 328</p> <p>1 RICHARD BOSETTI</p> <p>2 A I'm not sure if I went to CJ's before 4:25:51PM</p> <p>3 the precinct or the precinct after CJ's.</p> <p>4 Q What time do bars close on Ocean 4:25:57PM</p> <p>5 Beach?</p> <p>6 A 4:00. 4:26:00PM</p> <p>7 Q Even on Halloween? 4:26:02PM</p> <p>8 A Yeah, supposed to. 4:26:05PM</p> <p>9 Q Who was in CJ's when you got there? 4:26:09PM</p> <p>10 A Jeanne and her husband, and I don't 4:26:12PM</p> <p>11 know who else.</p> <p>12 Q You don't recall anyone else who was 4:26:18PM</p> <p>13 there other than Jeanne and her husband?</p> <p>14 A Excuse me? 4:26:23PM</p> <p>15 Q You don't recall anyone else -- 4:26:24PM</p> <p>16 A No. 4:26:25PM</p> <p>17 Q -- other than Jeanne and her husband? 4:26:25PM</p> <p>18 A No. 4:26:27PM</p> <p>19 Q Was Jeanne's husband drinking at CJ's? 4:26:27PM</p> <p>20 A Probably. 4:26:31PM</p> <p>21 Q Was Jeanne drinking at CJ's? 4:26:31PM</p> <p>22 A I don't know. 4:26:33PM</p> <p>23 Q So why do you say probably her husband 4:26:34PM</p> <p>24 was drinking?</p> <p>25 A Because he went to the bar, he 4:26:39PM</p>

<p style="text-align: right;">Page 329</p> <p>1 RICHARD BOSETTI</p> <p>2 probably had a drink.</p> <p>3 Q Were you drinking at all at CJ's? 4:26:44PM</p> <p>4 A I might have. I might have had one 4:26:46PM</p> <p>5 beer.</p> <p>6 Q Just so I understand this, Jeanne 4:26:50PM</p> <p>7 Yager was choked --</p> <p>8 A Yeah. 4:26:55PM</p> <p>9 Q -- under an hour ago, and now she's in 4:26:55PM</p> <p>10 a bar with her husband and her husband's</p> <p>11 drinking and maybe she is too?</p> <p>12 MR. NOVIKOFF: Objection. 4:27:02PM</p> <p>13 BY MR. GOODSTADT: 4:27:02PM</p> <p>14 Q Is that correct? 4:27:02PM</p> <p>15 A Good thing my brother intervened, she 4:27:04PM</p> <p>16 never would've made the bar.</p> <p>17 Q Did she seek medical treatment that 4:27:08PM</p> <p>18 night?</p> <p>19 A No. 4:27:10PM</p> <p>20 Q Now, you testified either before CJ's 4:27:15PM</p> <p>21 or after CJ's, you came to the station house,</p> <p>22 correct?</p> <p>23 A Correct. 4:27:21PM</p> <p>24 Q Okay. What happened when you arrived 4:27:21PM</p> <p>25 at the station house?</p>	<p style="text-align: right;">Page 331</p> <p>1 RICHARD BOSETTI</p> <p>2 officers to come up to the barracks after they</p> <p>3 were done at the station?</p> <p>4 A Yes, I did. 4:28:13PM</p> <p>5 Q Why did you ask them to come up to the 4:28:14PM</p> <p>6 barracks to see you?</p> <p>7 A I called up Frank. I knew that they 4:28:17PM</p> <p>8 didn't want me at the precinct. I said, I'll be</p> <p>9 sleeping in the barracks. At least let me know</p> <p>10 what goes on, how this turns out, before you go</p> <p>11 home tomorrow. And if you need me, I'm in the</p> <p>12 barracks.</p> <p>13 Q Did you speak with any of them after 4:28:33PM</p> <p>14 that?</p> <p>15 A No. He never called me. 4:28:37PM</p> <p>16 Q Did you call them? 4:28:38PM</p> <p>17 A Yes, I did. 4:28:39PM</p> <p>18 Q Did anyone pick up the phone? 4:28:40PM</p> <p>19 A I'm pretty sure it was Frank -- not 4:28:43PM</p> <p>20 Frank, Lamm. It's one of those two guys.</p> <p>21 Q So you spoke to either Frank or Lamm? 4:28:49PM</p> <p>22 A Yeah. 4:28:51PM</p> <p>23 Q What time was that? 4:28:52PM</p> <p>24 A It's on my phone records, which is in 4:28:52PM</p> <p>25 the files. It would have to be maybe 4:30,</p>
<p style="text-align: right;">Page 330</p> <p>1 RICHARD BOSETTI</p> <p>2 A I walked in. I don't remember exactly 4:27:23PM</p> <p>3 what was going on. But Tommy says, leave until</p> <p>4 we figure out what's going on. And I said, all</p> <p>5 right, you know where I'll be.</p> <p>6 Q How long were you in the station 4:27:40PM</p> <p>7 house?</p> <p>8 A A few minutes. 4:27:42PM</p> <p>9 Q Did you use the restroom? 4:27:43PM</p> <p>10 A Yeah. 4:27:44PM</p> <p>11 Q You used the restroom in the station? 4:27:45PM</p> <p>12 A Yes. 4:27:47PM</p> <p>13 Q Did you hear anything that any of the 4:27:47PM</p> <p>14 three guys that your brother got into a fight</p> <p>15 with, anything that they said?</p> <p>16 A No. 4:27:52PM</p> <p>17 Q Do you recall anything else that was 4:27:56PM</p> <p>18 stated to you or by you while you were in the</p> <p>19 station?</p> <p>20 A I don't recall anything. 4:28:02PM</p> <p>21 MR. FEHRINGER: Rich, just let him 4:28:04PM</p> <p>22 finish. After he finishes, then you can</p> <p>23 answer.</p> <p>24 BY MR. GOODSTADT: 4:28:06PM</p> <p>25 Q Did you ask any of the on-duty 4:28:06PM</p>	<p style="text-align: right;">Page 332</p> <p>1 RICHARD BOSETTI</p> <p>2 5:00, and I don't know if that's taking into</p> <p>3 consideration with the hour back or forward or</p> <p>4 what, so...</p> <p>5 Q Who else -- well, did you sleep in the 4:29:06PM</p> <p>6 barracks that night?</p> <p>7 A Yes, I did. 4:29:09PM</p> <p>8 Q What time did you get to the barracks? 4:29:10PM</p> <p>9 A Well, I don't know if I said it on my 4:29:18PM</p> <p>10 statement or not, but I got to the barracks</p> <p>11 after either I left either the -- whichever was</p> <p>12 the last thing I did, went to the bar or went to</p> <p>13 the precinct.</p> <p>14 Q And you testified that somebody asked 4:29:35PM</p> <p>15 you to leave the police station?</p> <p>16 A Yeah. 4:29:40PM</p> <p>17 Q Who asked you to leave the police 4:29:40PM</p> <p>18 station?</p> <p>19 A It was either -- I think it was 4:29:43PM</p> <p>20 Snyder.</p> <p>21 Q Anyone else sleeping in the barracks 4:29:48PM</p> <p>22 that night?</p> <p>23 A I don't recall. 4:29:51PM</p> <p>24 Q Was anyone else in the barracks that 4:29:53PM</p> <p>25 night --</p>

Page 333

1 **RICHARD BOSETTI**

2 A I don't recall. 4:29:56PM

3 **Q -- whether they were sleeping or not? 4:29:56PM**

4 **So at the time you called, you were in 4:29:59PM**

5 **the barracks?**

6 A I called from the barracks. 4:30:03PM

7 **Q And you don't recall if anyone else 4:30:05PM**

8 **was there?**

9 A Excuse me? 4:30:07PM

10 **Q You don't recall if anyone else was 4:30:08PM**

11 **there?**

12 A No, I don't. 4:30:10PM

13 **Q Did you ever discuss Halloween 4:30:11PM**

14 **incident with Patrick Cherry?**

15 A Yes.. 4:30:17PM

16 **Q When was that? 4:30:18PM**

17 A I don't know, but he was one of the -- 4:30:19PM

18 one of the interviewers.

19 **Q How did you know he was one of the 4:30:30PM**

20 **interviewers?**

21 A George told me. 4:30:33PM

22 **Q When did he tell you that? 4:30:34PM**

23 A When they started to get all of the 4:30:35PM

24 witnesses together because they realized that

25 this thing went down unfairly.

Page 334

1 **RICHARD BOSETTI**

2 **Q George told you that we realize this 4:30:45PM**

3 **thing went down unfairly?**

4 A George realized that these guys really 4:30:48PM

5 screwed up big time by trying to hurt me and my

6 brother.

7 **Q When did he tell you that? 4:30:54PM**

8 MR. NOVIKOFF: Objection. 4:30:56PM

9 A As soon as he read their statements. 4:30:58PM

10 **Q When was that? 4:30:59PM**

11 A And as soon as people came in in the 4:31:00PM

12 morning and said, what the hell is going on

13 here? The brothers didn't do a damn thing wrong

14 last night; they saved Jeanne's life. That's

15 when he realized something was going on.

16 **Q When did he tell you -- 4:31:12PM**

17 A I don't know. 4:31:13PM

18 **Q -- that they screwed up big time? 4:31:14PM**

19 A I don't know. As soon as he found out 4:31:16PM

20 about it. I don't know if he came in that day

21 when Paradiso was there or if he was there when

22 the witnesses came in and stormed the precinct

23 or when, exactly how that went, in what order it

24 went down.

25 **Q What do you mean by the witness 4:31:34PM**

Page 335

1 **RICHARD BOSETTI**

2 **stormed the precinct?**

3 A Well, people came in complaining. 4:31:36PM

4 **Q Which ones, which people? 4:31:39PM**

5 A I don't know who was in, but whoever 4:31:42PM

6 wrote the statements, you know.

7 **Q Do you know whether they were asked to 4:31:47PM**

8 **come in or they came in voluntarily?**

9 A I don't know. I don't know. I don't 4:31:51PM

10 know. I heard that the town's -- this the

11 locals were really annoyed at what happened.

12 **Q Who did you hear that from? 4:31:58PM**

13 A The locals. 4:31:59PM

14 **Q Which ones? 4:32:00PM**

15 A All of them. 4:32:01PM

16 **Q Give me some names. 4:32:01PM**

17 A Levine, Wykoff, AJ, BJ, JJ. What 4:32:03PM

18 else? Everybody that knows us.

19 **Q Who's AJ? 4:32:13PM**

20 A Yeah, AJ -- JJ. 4:32:16PM

21 **Q JJ? 4:32:19PM**

22 A Yeah. 4:32:20PM

23 **Q Who's JJ? 4:32:20PM**

24 A JJ's the bartender of CJ's. 4:32:21PM

25 **Q Was he there that night? 4:32:26PM**

Page 336

1 **RICHARD BOSETTI**

2 A No. 4:32:27PM

3 **Q Who's BJ? 4:32:29PM**

4 A It's AJ. It's a kid that -- 4:32:32PM

5 **Q I'm a little confused. You testified 4:32:36PM**

6 **to an AJ, BJ and a JJ.**

7 A I understand. You have to realize, 4:32:43PM

8 that's the this place is out there, with all the

9 different names.

10 **Q Is AJ, BJ and JJ three separate people 4:32:46PM**

11 **or is that one person?**

12 A No. There's AJ, there's JC, JT -- 4:32:50PM

13 there's no JC. There's JT. It's a mess. AJ --

14 **Q Let's start with AJ. Who is AJ? 4:33:05PM**

15 A AJ is one of the kids that live in the 4:33:06PM

16 corner house that his mom is dating JJ.

17 **Q How old is AJ? 4:33:18PM**

18 A AJ's in his twenties, mid-twenties to 4:33:20PM

19 late twenties.

20 **Q Was AJ at Houser's that night? 4:33:24PM**

21 A No. 4:33:26PM

22 **Q Who's BJ? 4:33:27PM**

23 A BJ? No BJ. 4:33:30PM

24 **Q Okay. Get rid of BJ. 4:33:33PM**

25 **JJ is the bartender you testified 4:33:35PM**

Page 337	Page 339
<p>1 RICHARD BOSETTI</p> <p>2 about?</p> <p>3 A Yes. 4:33:37PM</p> <p>4 Q Who was not there that night, correct? 4:33:38PM</p> <p>5 A Yes. 4:33:40PM</p> <p>6 Q Who is JT? 4:33:40PM</p> <p>7 A JT is the owner of the bar. 4:33:41PM</p> <p>8 Q Owner of which bar? 4:33:43PM</p> <p>9 A CJ's. 4:33:45PM</p> <p>10 Q Was he at Houser's that night? 4:33:46PM</p> <p>11 A Huh? 4:33:50PM</p> <p>12 Q Was he at houser's that night? 4:33:50PM</p> <p>13 A He may have been. He might have been. 4:33:53PM</p> <p>14 Q Do you recall seeing him at Houser's? 4:33:54PM</p> <p>15 A Everybody was wearing costumes. You 4:33:55PM</p> <p>16 know, they were all painted up and everything.</p> <p>17 So I don't know.</p> <p>18 Q He never came and gave a statement, 4:34:00PM</p> <p>19 though, did he, to your knowledge?</p> <p>20 A No, no. So he probably wasn't there. 4:34:04PM</p> <p>21 Q Which other locals complained to you 4:34:07PM</p> <p>22 about the way this was handled?</p> <p>23 A Ian Levine. 4:34:15PM</p> <p>24 Q Were you friends with Ian Levine? 4:34:17PM</p> <p>25 A Just through talking. 4:34:19PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q You don't know which people? 4:35:11PM</p> <p>3 A No. 4:35:13PM</p> <p>4 Q And you don't know when? 4:35:13PM</p> <p>5 A No. 4:35:15PM</p> <p>6 Q What did you hear that he was pissed 4:35:15PM</p> <p>7 about?</p> <p>8 A That these officers handled it the way 4:35:19PM</p> <p>9 they did.</p> <p>10 Q And what about the way they handled it 4:35:22PM</p> <p>11 did you hear that he was pissed off about?</p> <p>12 A If you read the statements -- not you 4:35:28PM</p> <p>13 particularly. But after you read those</p> <p>14 statements, including himself, if he did read</p> <p>15 them, which I'm sure he did, it opens up a whole</p> <p>16 thing there that you realize that they were out</p> <p>17 to get me and my brother.</p> <p>18 Q What from the statements leads you to 4:35:44PM</p> <p>19 believe that?</p> <p>20 A They falsified everything. 4:35:46PM</p> <p>21 Q What do you mean, they falsified 4:35:48PM</p> <p>22 everything?</p> <p>23 A First of all, the first thing they 4:35:52PM</p> <p>24 should've did if they're handling the case and</p> <p>25 if there's anything that a police officer might</p>
Page 338	Page 340
<p>1 RICHARD BOSETTI</p> <p>2 Q But you knew him before Halloween 4:34:20PM</p> <p>3 night?</p> <p>4 A Yeah. It's a small village. You know 4:34:23PM</p> <p>5 a lot of people before Halloween, before you</p> <p>6 know it.</p> <p>7 Q Anyone else tell you that they were 4:34:31PM</p> <p>8 unhappy with the way it was handled?</p> <p>9 A Yager, Jeanne. 4:34:38PM</p> <p>10 Q And you already testified to her 4:34:44PM</p> <p>11 involvement that night, correct?</p> <p>12 A Yeah. 4:34:48PM</p> <p>13 I heard that Loeffler was pissed at 4:34:48PM</p> <p>14 the way it was handled.</p> <p>15 Q Which Loeffler? 4:34:52PM</p> <p>16 A The mayor. This is I heard. Okay? 4:34:53PM</p> <p>17 Q Who did you hear that from? 4:34:55PM</p> <p>18 A I don't know. 4:34:57PM</p> <p>19 MR. NOVIKOFF: Move to strike. 4:35:00PM</p> <p>20 BY MR. GOODSTADT: 4:35:00PM</p> <p>21 Q When did you hear that? 4:35:01PM</p> <p>22 A I don't know. 4:35:02PM</p> <p>23 Q So how did you learn that Loeffler was 4:35:07PM</p> <p>24 pissed?</p> <p>25 A Through people telling me. 4:35:10PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 have done is call the chief immediately,</p> <p>3 immediately. That means at 3:00 in the morning,</p> <p>4 3:30 in the morning he should have been called.</p> <p>5 Q I don't mean to cut you off. 4:36:07PM</p> <p>6 MR. NOVIKOFF: Let him finish and move 4:36:09PM</p> <p>7 to strike. He has not answered the</p> <p>8 question.</p> <p>9 MR. GOODSTADT: He's completely off 4:36:11PM</p> <p>10 the question.</p> <p>11 MR. NOVIKOFF: Andrew, you asked the 4:36:13PM</p> <p>12 question, he can answer it. If it's not</p> <p>13 appropriate, you can move to strike or</p> <p>14 reserve it for the time of trial. You can't</p> <p>15 stop him in the middle.</p> <p>16 MR. GOODSTADT: You stop the witnesses 4:36:21PM</p> <p>17 all the time. You're wasting time now,</p> <p>18 because the question had nothing to do with</p> <p>19 what they should've done. The question was</p> <p>20 what Joe Loeffler -- what he heard Joe</p> <p>21 Loeffler was pissed off about in the way it</p> <p>22 was handled.</p> <p>23 MR. NOVIKOFF: You asked him the 4:36:32PM</p> <p>24 question and he answered it. You don't like</p> <p>25 the answer, that's not my problem.</p>

<p style="text-align: right;">Page 341</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. GOODSTADT: I don't care about the 4:36:37PM</p> <p>3 answer.</p> <p>4 MR. NOVIKOFF: Then why do you ask the 4:36:39PM</p> <p>5 question?</p> <p>6 MR. GOODSTADT: Because he didn't 4:36:40PM</p> <p>7 answer the question that I asked. I don't</p> <p>8 care what answer he's given me. It has</p> <p>9 nothing to do with anything.</p> <p>10 MR. NOVIKOFF: All right. Okay. 4:36:43PM</p> <p>11 A They made allegations against a police 4:36:45PM</p> <p>12 officer. The first thing that should've been</p> <p>13 done was the commanding officer or the second in</p> <p>14 command should've been notified immediately.</p> <p>15 Q What allegation did they make against 4:36:53PM</p> <p>16 any police officers?</p> <p>17 A The allegations that the perpetrators, 4:36:56PM</p> <p>18 so-called victims, under their statements, said</p> <p>19 that they were beat up for absolutely nothing.</p> <p>20 A guy jumped them and hit him and, you know,</p> <p>21 punched him in the nose for nothing.</p> <p>22 Q So is it your testimony that the 4:37:12PM</p> <p>23 people who gave him those statements didn't</p> <p>24 actually say that?</p> <p>25 MR. NOVIKOFF: Objection. 4:37:18PM</p>	<p style="text-align: right;">Page 343</p> <p>1 RICHARD BOSETTI</p> <p>2 A You know, you're asking me 4:37:55PM</p> <p>3 things that -- well, it's just that the chief</p> <p>4 calls in -- they call up the chief earlier on in</p> <p>5 the morning and say you better come in. We got</p> <p>6 a situation here. Officers assaulted a victim.</p> <p>7 Without even looking to get us, without even</p> <p>8 looking to get Jeanne, they went out of their</p> <p>9 way to look for the third perp, which was a</p> <p>10 so-called victim, just so they could screw us.</p> <p>11 All right?</p> <p>12 There was a lady strangled. Let's not 4:38:24PM</p> <p>13 lose sight of that. They said that they would</p> <p>14 handle it.. They didn't. The judge read it,</p> <p>15 everybody in town read about it. Everybody</p> <p>16 laughs and says what three village idiots.</p> <p>17 Q What judge called them village idiots? 4:38:36PM</p> <p>18 A I don't know if the judge called them 4:38:39PM</p> <p>19 a village idiot. I'm just saying people --</p> <p>20 Q What judge laughed? 4:38:41PM</p> <p>21 A I don't know the judge's name. Would 4:38:42PM</p> <p>22 you guys know? The judge that's always</p> <p>23 presiding over all the traffic --</p> <p>24 Q If you don't know, you don't know. 4:38:52PM</p> <p>25 A I don't know. But he's a well-known 4:38:53PM</p>
<p style="text-align: right;">Page 342</p> <p>1 RICHARD BOSETTI</p> <p>2 A Excuse me? 4:37:19PM</p> <p>3 Q Is it your statement that -- is it 4:37:19PM</p> <p>4 your testimony that the people who gave him that</p> <p>5 statement didn't actually provide that</p> <p>6 statement?</p> <p>7 MR. NOVIKOFF: Objection. 4:37:26PM</p> <p>8 A It's my testimony that a few weeks 4:37:26PM</p> <p>9 later, they copped a plea, saying that they did</p> <p>10 do that.</p> <p>11 Q I understand that, sir. You have 4:37:31PM</p> <p>12 alleged --</p> <p>13 MR. NOVIKOFF: You asked him what his 4:37:32PM</p> <p>14 testimony was, and he just told you what it</p> <p>15 is.</p> <p>16 BY MR. GOODSTADT: 4:37:36PM</p> <p>17 Q You have alleged that the officers on 4:37:37PM</p> <p>18 duty that night falsified everything.</p> <p>19 A Yes. 4:37:41PM</p> <p>20 Q Okay. My question is: What did those 4:37:41PM</p> <p>21 officers falsify?</p> <p>22 A They falsified their statements. 4:37:45PM</p> <p>23 Q What in their statements was false, 4:37:48PM</p> <p>24 that they stated that was false?</p> <p>25 MR. NOVIKOFF: Objection. 4:37:55PM</p>	<p style="text-align: right;">Page 344</p> <p>1 RICHARD BOSETTI</p> <p>2 judge out there.</p> <p>3 Q And he laughed? 4:38:56PM</p> <p>4 A Huh? 4:38:58PM</p> <p>5 Q He laughed? Is that your testimony? 4:38:58PM</p> <p>6 A No, not that he laughed. He read the 4:38:59PM</p> <p>7 statement and said, I can't believe this.</p> <p>8 Q Did he say that while sitting on the 4:39:04PM</p> <p>9 bench?</p> <p>10 A He didn't say it to me. I know you're 4:39:07PM</p> <p>11 going to ask me who told you this. But that's</p> <p>12 what happened.</p> <p>13 Q Do you have any information of when, 4:39:10PM</p> <p>14 what or where this was stated?</p> <p>15 A I think it was stated in the 4:39:16PM</p> <p>16 courtroom.</p> <p>17 Q And who told you that this was stated 4:39:19PM</p> <p>18 in the courtroom? Were you there?</p> <p>19 A Yeah, I was there for that day. 4:39:22PM</p> <p>20 Q Did you hear the judge say that? 4:39:25PM</p> <p>21 A I don't know in what manner he said 4:39:27PM</p> <p>22 it, but yeah. Matter of fact, the stenographer</p> <p>23 said it.</p> <p>24 Q There's a big difference between the 4:39:33PM</p> <p>25 stenographer and the judge.</p>

Page 345

1 **RICHARD BOSETTI**

2 **My question was: Did you hear the 4:39:37PM**

3 **judge say it?**

4 A No, I can't actually say that. 4:39:38PM

5 **Q Do you recall anything the judge said 4:39:40PM**

6 **that day?**

7 A Huh? 4:39:42PM

8 **Q Do you recall anything the judge said 4:39:43PM**

9 **that day about the way the three on-duty**

10 **officers handled the matter?**

11 A Yeah, shook his head. Didn't go into 4:39:48PM

12 specifics. He said, I can't believe this.

13 These guys obviously -- that, he did say.

14 **Q What did he say? 4:39:55PM**

15 A These guys obviously disliked the 4:39:56PM

16 brothers.

17 **Q He said that while he was sitting on 4:39:59PM**

18 **the bench?**

19 A No, I don't know if he was sitting on 4:40:01PM

20 the bench and said something like that. But

21 beforehand, when he was getting everything

22 ready, or at the end of it. I don't know when.

23 **Q So you heard him say that these guys 4:40:10PM**

24 **obviously dislike the brothers?**

25 A Yeah. 4:40:14PM

Page 346

1 **RICHARD BOSETTI**

2 **Q Is that your testimony, the judge said 4:40:14PM**

3 **that to you?**

4 A Yeah -- no, he didn't say that to us. 4:40:17PM

5 I heard him say it.

6 **Q He said it to you -- he said it, and 4:40:21PM**

7 **you were within earshot, actually heard him say**

8 **that?**

9 A Yes. 4:40:26PM

10 **Q Was it before or during or after the 4:40:26PM**

11 **proceeding?**

12 A I don't know. I don't know. 4:40:29PM

13 **Q Was it during the proceeding? 4:40:29PM**

14 A Excuse me? 4:40:30PM

15 **Q Was it during the proceeding? 4:40:30PM**

16 A No. 4:40:31PM

17 **Q So it was off the record? 4:40:31PM**

18 A Yeah. 4:40:33PM

19 **Q Who else was there when he said that? 4:40:34PM**

20 A Probably George, maybe, George Hesse. 4:40:36PM

21 My brother may have been there, the

22 stenographer, the lawyer.

23 **Q Which lawyer? 4:40:48PM**

24 A One of the town attorneys. 4:40:51PM

25 **Q Which one? 4:40:52PM**

Page 347

1 **RICHARD BOSETTI**

2 A I don't know his name. 4:40:53PM

3 **Q Anyone else there? 4:40:55PM**

4 A That's it. 4:40:56PM

5 **Q Did you speak with Paradiso about the 4:41:04PM**

6 **incident?**

7 A Not then. 4:41:07PM

8 **Q When was the first time you spoke to 4:41:07PM**

9 **Paradiso about the incident?**

10 A When I went in and I -- I told him 4:41:11PM

11 what happened. After he read all the statements

12 that were corrected and he looked me and my

13 brother in the face, he shook hands with us and

14 he said, Gary, you got your job back.

15 **Q When you say the statements that were 4:41:37PM**

16 **corrected, what statements are you talking about**

17 **were corrected?**

18 A When the guys -- when an investigation 4:41:42PM

19 was done and they turned around and talked to

20 all of the witnesses and the witnesses told them

21 the truth about what was going on and it didn't

22 match up to their -- you know, to their

23 statements, he realized that there was an

24 injustice done, and he took my brother back.

25 **Q Were any statements actually 4:42:08PM**

Page 348

1 **RICHARD BOSETTI**

2 **corrected?**

3 A No, no. 4:42:10PM

4 **Q And your brother was terminated at 4:42:15PM**

5 **some point?**

6 A He was terminated that morning. 4:42:19PM

7 **Q By who? 4:42:20PM**

8 A Chief Paradiso. 4:42:21PM

9 **Q And how did Paradiso tell him that he 4:42:21PM**

10 **was terminated?**

11 A Gary said, I took police action and 4:42:25PM

12 Paradiso, I guess, read their statements or read

13 the field report or whatever, all the pictures,

14 and says, you're fired, turn in your badge.

15 **Q Do you know whether the three on-duty 4:42:37PM**

16 **officers' statements were prepared by the next**

17 **morning?**

18 A I don't know. That's what I'm saying. 4:42:42PM

19 I don't know. But I'm sure he told him

20 verbally.

21 **Q How are you sure about that? 4:42:47PM**

22 A They have to tell him, he's the chief. 4:42:49PM

23 **Q Were you there when they told him? 4:42:54PM**

24 A Well, what did the chief fire him for, 4:42:56PM

25 nothing?

Page 349

1 RICHARD BOSETTI

2 **Q Sir, I'm asking whether you were there 4:42:59PM**

3 **when they told him.**

4 A No. 4:43:00PM

5 **Q So you're just speculating? 4:43:00PM**

6 A How else would the chief find out? 4:43:02PM

7 **Q Sir, you're just speculating they told 4:43:04PM**

8 **him, right?**

9 A I think it's in the statements that 4:43:07PM

10 one of the guys called up the chief.

11 **Q Were you on that phone call? 4:43:10PM**

12 A Was I on that phone call? 4:43:12PM

13 **Q Yeah. 4:43:13PM**

14 A No. 4:43:14PM

15 **Q Do you know what they said to the 4:43:15PM**

16 **chief when they called?**

17 A They got a problem. That's all I 4:43:18PM

18 know.

19 **Q How do you know they told the chief 4:43:20PM**

20 **that there was a problem?**

21 A I think it's in the statement. 4:43:23PM

22 **Q So you learned that by reading the 4:43:25PM**

23 **statement?**

24 A Yeah. 4:43:27PM

25 **Q The chief didn't tell you that they 4:43:28PM**

Page 350

1 RICHARD BOSETTI

2 **told him that, did he?**

3 MR. NOVIKOFF: I'm sorry, what was the 4:43:30PM

4 question?

5 A No. 4:43:32PM

6 **Q The chief didn't tell you that they 4:43:33PM**

7 **told the chief there was a problem?**

8 A No. 4:43:37PM

9 **Q How did the chief inform -- when was 4:43:38PM**

10 **the first time you spoke to the chief after that**

11 **night?**

12 A Maybe a week later. 4:43:47PM

13 **Q Didn't he call you the next day, 4:43:50PM**

14 **looking for your brother?**

15 A No, he called me -- well, it's 4:43:53PM

16 actually the same day.

17 **Q Did he call you the same day? 4:43:56PM**

18 A We were on the Belt Parkway, going 4:43:56PM

19 home, because he had to take his kids trick or

20 treating. And he goes, Gary, come to the

21 office. And Gary said, I'm halfway home. So he

22 might have -- that, you gotta ask my brother.

23 And then the phone call went on and on and on,

24 and then Gary said, awe, he says, I'm relieved

25 of my duties.

Page 351

1 RICHARD BOSETTI

2 **Q Did he call you looking for your 4:44:15PM**

3 **brother?**

4 A I don't remember. 4:44:17PM

5 **Q And you were in the car when the chief 4:44:19PM**

6 **spoke to your brother?**

7 A Yeah. 4:44:23PM

8 **Q Was it on speaker or was he -- 4:44:23PM**

9 A No. 4:44:26PM

10 **Q So you only heard your brother's side 4:44:27PM**

11 **of this conversation?**

12 A Yeah. 4:44:29PM

13 **Q Do you know if the chief -- what did 4:44:31PM**

14 **Gary tell you the chief told him about his job?**

15 A That he's fired and that he might be 4:44:38PM

16 under criminal investigation.

17 **Q Did he give your brother the 4:44:46PM**

18 **opportunity to resign?**

19 A No. Which was not police policy in 4:44:49PM

20 itself.

21 **Q What's not police policy? 4:44:56PM**

22 A A guy should be suspended without pay 4:44:58PM

23 first until there's a hearing and everything

24 else, but, hey.

25 **Q Where's that policy written that 4:45:07PM**

Page 352

1 RICHARD BOSETTI

2 **you're referring to?**

3 A That's usually what police departments 4:45:09PM

4 do. I don't know if it's written down, but

5 that's usually what they do.

6 **Q Is that how Ocean Beach -- 4:45:13PM**

7 A Matter of fact, you can find that in 4:45:13PM

8 the patrol guide. There's a page on that.

9 **Q In the Ocean Beach patrol guide? 4:45:16PM**

10 A In the Suffolk County patrol guide. 4:45:18PM

11 **Q So Ocean Beach was governed by the 4:45:22PM**

12 **Suffolk County patrol guide?**

13 MR. NOVIKOFF: Objection. 4:45:26PM

14 A Some parts, yes. 4:45:26PM

15 **Q What other authority did Suffolk 4:45:29PM**

16 **County have over Ocean Beach?**

17 MR.. NOVIKOFF: Objection. 4:45:33PM

18 A Suffolk County had really no other 4:45:33PM

19 authority over Ocean Beach. We might use their

20 facilities because we didn't have any of our own

21 facilities, like a detective bureau and dusting

22 for prints and everything else.

23 **Q But they administered the test to 4:45:50PM**

24 **become certified, correct?**

25 A Yeah. 4:45:55PM

Page 353	Page 355
<p>1 RICHARD BOSETTI</p> <p>2 Q And there was a manual that helped 4:45:55PM</p> <p>3 govern you?</p> <p>4 A There's a manual for the Suffolk 4:45:59PM</p> <p>5 County Police Department.</p> <p>6 Q When did your brother get his job 4:46:03PM</p> <p>7 back?</p> <p>8 A I'm sorry? 4:46:06PM</p> <p>9 Q When did your brother get his job 4:46:07PM</p> <p>10 back?</p> <p>11 MR. NOVIKOFF: In relation when he was 4:46:09PM</p> <p>12 told that --</p> <p>13 MR. GOODSTADT: In relation to when he 4:46:12PM</p> <p>14 was told that he was terminated.</p> <p>15 A After two weeks, we went to see 4:46:16PM</p> <p>16 George. I don't know why. Maybe Gary had to do</p> <p>17 his statement. After a week or so, he had to</p> <p>18 go, and the chief happened to be there. So he</p> <p>19 looks at us and he goes, well. He sat down, he</p> <p>20 goes, what happened? What's up? We told him.</p> <p>21 The chief showed -- Sergeant Hesse showed him</p> <p>22 some of the reports and witness statements. The</p> <p>23 chief looked at us and said, well, why did you</p> <p>24 sleep at the house? I said, Gary slept at the</p> <p>25 house. That's what we planned from the very</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Huh? 4:47:46PM</p> <p>3 Q How many times did you speak to him 4:47:46PM</p> <p>4 about the incident during that period?</p> <p>5 A I don't know. I don't know. But, you 4:47:53PM</p> <p>6 know, in order for him to figure out exactly</p> <p>7 what went on that night, he had to question us.</p> <p>8 Q Did you provide any statement to him? 4:48:05PM</p> <p>9 A I went back and I made a statement 4:48:08PM</p> <p>10 also.</p> <p>11 Q I'm talking about between the time 4:48:10PM</p> <p>12 that it happened and the time you were there</p> <p>13 with your brother when he gave his statement?</p> <p>14 A I told him I protected myself and I 4:48:15PM</p> <p>15 protected my brother. I told him the truth of</p> <p>16 what went down.</p> <p>17 Q Did you provide a written statement? 4:48:21PM</p> <p>18 A I did the written statement maybe a 4:48:23PM</p> <p>19 week later. Maybe the week that we met</p> <p>20 Paradiso, maybe we both did them that day. I'm</p> <p>21 sure they're dated.</p> <p>22 Q I just want to get the time frame. So 4:48:32PM</p> <p>23 it's your understanding that a week later, your</p> <p>24 brother came back, gave a statement and was</p> <p>25 given his job back that day?</p>
Page 354	Page 356
<p>1 RICHARD BOSETTI</p> <p>2 beginning. I slept at the barracks. I told him</p> <p>3 our side of the story. He looks at us, he goes,</p> <p>4 you got your job back.</p> <p>5 Q The chief told him that? 4:47:06PM</p> <p>6 A Yes. 4:47:07PM</p> <p>7 Q And Gary was there giving a statement 4:47:09PM</p> <p>8 that day?</p> <p>9 A I think that's what he was there for. 4:47:12PM</p> <p>10 I don't think we just went in there to say</p> <p>11 hello. I think it was for a particular reason.</p> <p>12 Q How long after the actual incident, 4:47:19PM</p> <p>13 how many days later was that?</p> <p>14 A I don't know. I don't know. Maybe a 4:47:24PM</p> <p>15 week.</p> <p>16 Q Who else was there? It was you, your 4:47:28PM</p> <p>17 brother, Paradiso, Hesse. Anyone else there?</p> <p>18 A That's it, I think. 4:47:34PM</p> <p>19 Q Did you speak to Hesse about the 4:47:35PM</p> <p>20 incident between the night that it happened and</p> <p>21 that day that you came back with your brother</p> <p>22 when he wrote the statement out?</p> <p>23 A Sure. 4:47:43PM</p> <p>24 Q How many times did you speak to him 4:47:43PM</p> <p>25 about the incident?</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Yeah, we told our side of the story. 4:48:40PM</p> <p>3 And all of the paperwork, all the witness</p> <p>4 statements and everything backed it up.</p> <p>5 Q That was a week after the incident? 4:48:47PM</p> <p>6 A I'm -- you know, it's on the paper, 4:48:49PM</p> <p>7 sir.</p> <p>8 MR. NOVIKOFF: Objection. 4:48:52PM</p> <p>9 A I don't remember all this. 4:48:53PM</p> <p>10 Q How many times did you discuss the 4:48:54PM</p> <p>11 incident with Hesse between the night it</p> <p>12 happened and the day that you came in with your</p> <p>13 brother?</p> <p>14 A I don't know. I don't remember. 4:49:07PM</p> <p>15 Whatever he needed to know, I told him.</p> <p>16 Q What was the sum and substance of what 4:49:11PM</p> <p>17 you told him between those two time periods?</p> <p>18 A I think it's questions like you asked 4:49:19PM</p> <p>19 me. Exactly where were you, what happened,</p> <p>20 where were you standing, you know.</p> <p>21 Q Was it over the phone or in person? 4:49:25PM</p> <p>22 A I don't know. Probably -- well, 4:49:30PM</p> <p>23 probably some of it had to be over the phone, I</p> <p>24 would imagine.</p> <p>25 Q Do you know whether he took any notes 4:49:36PM</p>

Page 357	Page 359
<p>1 RICHARD BOSETTI</p> <p>2 of any of those conversations?</p> <p>3 A No. 4:49:38PM</p> <p>4 Q Was anyone else involved in those 4:49:39PM</p> <p>5 conversations?</p> <p>6 A With me? I don't know who George 4:49:43PM</p> <p>7 talked to; but no, not with me.</p> <p>8 Q Wasn't part of the conversation, not 4:49:47PM</p> <p>9 only with George, but with the --</p> <p>10 A I wasn't even involved with Pat Cherry 4:49:49PM</p> <p>11 in the conversations. That's all I asked Pat</p> <p>12 Cherry, was who he spoke to. He never gave me</p> <p>13 any -- he just would go, yeah, it went well.</p> <p>14 How did that go with that guy you interviewed?</p> <p>15 Oh, it went well. It never was like, oh, he</p> <p>16 said this or he said that.</p> <p>17 Q And Pat Cherry never interviewed you, 4:50:08PM</p> <p>18 correct?</p> <p>19 A No. 4:50:10PM</p> <p>20 Q Did you ever speak about the substance 4:50:10PM</p> <p>21 of what happened that night with Pat Cherry?</p> <p>22 A I'm not sure. I'm sure Pat Cherry 4:50:19PM</p> <p>23 read the reports, though.</p> <p>24 Q I'm talking about whether you ever 4:50:23PM</p> <p>25 actually spoke with him.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q And who asked you to provide a 5:03:46PM</p> <p>3 statement?</p> <p>4 A Probably George. I know you have to 5:03:51PM</p> <p>5 make a statement with anything that goes down</p> <p>6 like this.</p> <p>7 Q How long after the incident did you 5:03:56PM</p> <p>8 provide the statement?</p> <p>9 A I'm not sure. I don't know if it was 5:04:00PM</p> <p>10 that day that I came in and I met with Paradiso,</p> <p>11 because he happened to be there, or if it was</p> <p>12 another time.</p> <p>13 Q Okay. And that day was about a week 5:04:08PM</p> <p>14 later?</p> <p>15 MR. NOVIKOFF: Objection. 5:04:13PM</p> <p>16 A Yeah, if it's correct. 5:04:13PM</p> <p>17 Q So your recollection is that you 5:04:20PM</p> <p>18 provided that statement sometime the first week</p> <p>19 or second week in November?</p> <p>20 A Yes. Oh, December. That's why I 5:04:25PM</p> <p>21 wanted to read the statement.</p> <p>22 MR. GOODSTADT: I've placed in front 5:04:40PM</p> <p>23 of Mr. Bosetti what's been marked as R.</p> <p>24 Bosetti Exhibit 10. It is a four-page or a</p> <p>25 five-page exhibit, bearing Bates 3200</p>
Page 358	Page 360
<p>1 RICHARD BOSETTI</p> <p>2 A No, I don't think I did. 4:50:30PM</p> <p>3 MR. GOODSTADT: Why don't we take a 4:50:32PM</p> <p>4 couple-minute bathroom break.</p> <p>5 THE VIDEOGRAPHER: The time is 4:51. 4:50:36PM</p> <p>6 We're off the record.</p> <p>7 (Whereupon, a discussion was held off 4:50:39PM</p> <p>8 the record.)</p> <p>9 THE VIDEOGRAPHER: The time is 5:04. 5:02:59PM</p> <p>10 We are back on the record.</p> <p>11 MR. GOODSTADT: Could you just mark 5:03:05PM</p> <p>12 that.</p> <p>13 (Whereupon, Bates document 3200-3204 5:03:06PM</p> <p>14 was marked as R. Bosetti Exhibit 10 for</p> <p>15 identification, as of this date.)</p> <p>16 BY MR. GOODSTADT: 5:03:24PM</p> <p>17 Q Mr. Bosetti, you testified that you 5:03:25PM</p> <p>18 provided a written statement at some point; is</p> <p>19 that correct?</p> <p>20 A Yes, I did. 5:03:30PM</p> <p>21 Q Did you type that statement or 5:03:30PM</p> <p>22 handwrite that statement?</p> <p>23 A I think I handwrote it and then my 5:03:38PM</p> <p>24 brother or George typed it for me, because I'm</p> <p>25 terrible with a typewriter.</p>	<p>1 RICHARD BOSETTI</p> <p>2 through 3204.</p> <p>3 BY MR. GOODSTADT: 5:04:55PM</p> <p>4 Q Mr. Bosetti, do you recognize the 5:04:55PM</p> <p>5 document that's been marked as R. Bosetti</p> <p>6 Exhibit 10?</p> <p>7 A Yes. 5:05:00PM</p> <p>8 Q And is this the statement that you 5:05:00PM</p> <p>9 provided?</p> <p>10 A Yes. 5:05:04PM</p> <p>11 Q Just so we're clear, 3202 through 5:05:05PM</p> <p>12 3204, that's the handwritten statement that you</p> <p>13 provided?</p> <p>14 A Yes. 5:05:12PM</p> <p>15 Q And then somebody else typed this up? 5:05:12PM</p> <p>16 A Yes. 5:05:14PM</p> <p>17 Q Which is 3200 to 3201? 5:05:15PM</p> <p>18 A Uh-huh. Yes. 5:05:18PM</p> <p>19 Q And you don't recall if it was your 5:05:19PM</p> <p>20 brother or George who typed this up?</p> <p>21 A Yes, correct. 5:05:24PM</p> <p>22 Q How long after you gave this 5:05:25PM</p> <p>23 handwritten statement was it typed up?</p> <p>24 A I don't know. I can't answer that 5:05:33PM</p> <p>25 accurately.</p>

Page 361

1 RICHARD BOSETTI

2 **Q Did you see the typed-up statement 5:05:35PM**

3 **after it was done?**

4 A Yes. 5:05:38PM

5 **Q How long after it was typed up did you 5:05:38PM**

6 **see it?**

7 A I don't know. I don't recall. 5:05:40PM

8 **Q Where did you write this statement? I 5:05:42PM**

9 **mean, I know it was on a piece of paper, but**

10 **where were you located when you wrote the**

11 **statement?**

12 A I'm not sure of that either, sir. 5:05:50PM

13 **Q So you don't recall whether you were 5:05:52PM**

14 **at home or in the police station or elsewhere?**

15 A No. 5:05:55PM

16 **Q Who was there when you wrote the 5:05:56PM**

17 **statement?**

18 A I -- I don't know. 5:05:59PM

19 **Q Why did you give a statement? 5:06:00PM**

20 A Why did I give a statement? 5:06:03PM

21 **Q Yeah. 5:06:04PM**

22 A Because anything that goes down like 5:06:05PM

23 this that's -- that has to do with a crime, you

24 give a statement.

25 **Q So this is dated December 10th, 5:06:13PM**

Page 362

1 RICHARD BOSETTI

2 **2004.**

3 **Do you see that? 5:06:15PM**

4 A Yes. 5:06:17PM

5 **Q Does that refresh your recollection of 5:06:18PM**

6 **giving the statement in December?**

7 A Okay. 5:06:23PM

8 MR. NOVIKOFF: Objection. 5:06:24PM

9 A If that's what it says, that's when I 5:06:25PM

10 did it.

11 **Q Do you have any reason to believe 5:06:27PM**

12 **that's not the day that you did it?**

13 A No. 5:06:30PM

14 **Q So it was almost six weeks later that 5:06:30PM**

15 **you gave a statement, correct?**

16 A Yep. 5:06:34PM

17 **Q And you testified before that by this 5:06:34PM**

18 **time, you had already seen all the other**

19 **statements that had been given in the case,**

20 **correct?**

21 MR. NOVIKOFF: Objection. 5:06:41PM

22 A Yes. 5:06:42PM

23 **Q And you saw your brother's statement, 5:06:42PM**

24 **correct?**

25 A I never said -- if I said I'm not 5:06:44PM

Page 363

1 RICHARD BOSETTI

2 sure, then I wasn't sure. But whatever --

3 **Q I believe you testified that in the 5:06:49PM**

4 **first or second week of November, you had seen**

5 **the other statements, but the record will -- saw**

6 **all the at the same times?**

7 MR. NOVIKOFF: I'm going to object to 5:06:54PM

8 your characterization of his testimony. If

9 you want to ask him question directly, ask

10 him.

11 MR. GOODSTADT: We already have it.. 5:06:58PM

12 MR. NOVIKOFF: I don't know what he 5:06:59PM

13 said with regard to your questions.

14 MR. GOODSTADT: Luckily it's on tape 5:07:02PM

15 and on the transcript.

16 MR. NOVIKOFF: Then there's no reason 5:07:05PM

17 to go over it, is there?

18 MR. GOODSTADT: There is, I guess. 5:07:09PM

19 That's why I'm going over it.

20 BY MR. GOODSTADT: 5:07:12PM

21 **Q And I see that you didn't sign this 5:07:13PM**

22 **statement; is that correct?**

23 A Let me see it. 5:07:17PM

24 How about the written one? 5:07:22PM

25 No. 5:07:25PM

Page 364

1 RICHARD BOSETTI

2 **Q Any reason why you didn't sign it? 5:07:25PM**

3 A No. 5:07:29PM

4 **Q Did you ever discuss with anyone at 5:07:30PM**

5 **the police station about putting in there a**

6 **statement that this was being sworn to, et**

7 **cetera, et cetera, and then signing it?**

8 A No, I don't remember. 5:07:45PM

9 **Q Were you there when it was being typed 5:07:48PM**

10 **up?**

11 MR. NOVIKOFF: Objection. 5:07:51PM

12 A I don't remember. 5:07:51PM

13 **Q If you look at -- let's look at the 5:07:52PM**

14 **typed section. It says "Statement of police**

15 **officer Richard Bosetti, Number 410."**

16 **Do you see that? 5:08:03PM**

17 A Yes. 5:08:04PM

18 **Q That was your badge number? 5:08:04PM**

19 A Yes, it was. 5:08:05PM

20 **Q Who asked you to provide this 5:08:06PM**

21 **statement?**

22 MR. NOVIKOFF: Objection. 5:08:08PM

23 A With a case like that, everybody would 5:08:09PM

24 provide a statement, including the witnesses.

25 **Q The question was: Who asked you to 5:08:19PM**

<p style="text-align: right;">Page 365</p> <p>1 RICHARD BOSETTI</p> <p>2 provide this statement?</p> <p>3 A I don't know. Might have been George. 5:08:22PM</p> <p>4 MR. FEHRINGER: Don't guess. 5:08:27PM</p> <p>5 A Yeah, I don't know. 5:08:27PM</p> <p>6 Q Was this provided in connection with 5:08:29PM</p> <p>7 the arrest of Mr. Van Coot?</p> <p>8 MR. NOVIKOFF: Objection. 5:08:36PM</p> <p>9 A I don't know. 5:08:39PM</p> <p>10 Q Was it provided in connection with the 5:08:40PM</p> <p>11 court appearance of Mr. Van Coot or</p> <p>12 Mr. Shallick?</p> <p>13 MR. NOVIKOFF: Objection. 5:08:49PM</p> <p>14 A I don't know. 5:08:54PM</p> <p>15 Q Did you ever check the handwritten 5:08:55PM</p> <p>16 statement versus the typewritten statement for</p> <p>17 accuracy?</p> <p>18 A No. 5:09:01PM</p> <p>19 Q If you look down on your statement, 5:09:02PM</p> <p>20 the second sentence that says, "I'm a police</p> <p>21 officer with the Ocean Beach Police Department.</p> <p>22 I've been employed for 2.5 years in good</p> <p>23 standing."</p> <p>24 Do you see that? 5:09:14PM</p> <p>25 MR. NOVIKOFF: We're talking about the 5:09:15PM</p>	<p style="text-align: right;">Page 367</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yeah. 5:10:01PM</p> <p>3 Q -- which I think is the last 5:10:01PM</p> <p>4 communication you testified to prior to leaving</p> <p>5 the island --</p> <p>6 A Yeah. 5:10:05PM</p> <p>7 Q -- and the date that you gave this 5:10:06PM</p> <p>8 statement almost six weeks later, did you speak</p> <p>9 with any of the three officers who were on duty</p> <p>10 that night?</p> <p>11 MR. NOVIKOFF: I'll withdraw the 5:10:14PM</p> <p>12 objection.</p> <p>13 A I don't recall, unless it was the time 5:10:17PM</p> <p>14 when Snyder came in because he wanted his job</p> <p>15 back.</p> <p>16 Q What do you mean by that? 5:10:23PM</p> <p>17 A He had an interview with George, me 5:10:25PM</p> <p>18 and Gary, and he came to the -- back. He wanted</p> <p>19 to get his job back.</p> <p>20 Q Tom Snyder did? 5:10:35PM</p> <p>21 A Yes. 5:10:37PM</p> <p>22 Q When was that? 5:10:37PM</p> <p>23 A I'm not sure if it was this time, 5:10:39PM</p> <p>24 after that or what. I don't know. I don't</p> <p>25 know.</p>
<p style="text-align: right;">Page 366</p> <p>1 RICHARD BOSETTI</p> <p>2 typed statement?</p> <p>3 MR. GOODSTADT: It's on both, 5:09:17PM</p> <p>4 actually.</p> <p>5 MR. NOVIKOFF: Okay. Yeah. 5:09:18PM</p> <p>6 BY MR. GOODSTADT: 5:09:20PM</p> <p>7 Q Look at the typed statement, though. 5:09:21PM</p> <p>8 Do you see that?</p> <p>9 A Yes.. 5:09:23PM</p> <p>10 Q What did you mean by "in good 5:09:24PM</p> <p>11 standing"?</p> <p>12 A I am a police officer with the Ocean 5:09:27PM</p> <p>13 Beach department. I've been employed for 2.5</p> <p>14 years in good standing.</p> <p>15 I guess I haven't gotten any 5:09:35PM</p> <p>16 reprimands.</p> <p>17 Q And prior to putting together your 5:09:38PM</p> <p>18 handwritten statement, did you speak with any of</p> <p>19 the three officers who were on duty that night</p> <p>20 subsequent to the phone call that you had at</p> <p>21 about 5:00 that night?</p> <p>22 MR. NOVIKOFF: Objection. 5:09:56PM</p> <p>23 A Have I spoken to them before the phone 5:09:57PM</p> <p>24 call?</p> <p>25 Q Between the phone call -- 5:09:59PM</p>	<p style="text-align: right;">Page 368</p> <p>1 RICHARD BOSETTI</p> <p>2 Q That was after Tom Snyder had been let 5:10:43PM</p> <p>3 go?</p> <p>4 A Yes. 5:10:48PM</p> <p>5 Q Okay. So if I represent to you that 5:10:48PM</p> <p>6 was in April of '06, does that refresh your</p> <p>7 recollection as to whether you spoke to any of</p> <p>8 the three on-duty officers between the Halloween</p> <p>9 event and December 10th, 2004?</p> <p>10 A No. I still don't understand. 5:11:04PM</p> <p>11 Q Okay. My question sir, is: Did you 5:11:06PM</p> <p>12 speak with any of the three officers who were on</p> <p>13 duty that night --</p> <p>14 A Yes. 5:11:12PM</p> <p>15 Q -- between the telephone call that you 5:11:12PM</p> <p>16 made from the barracks of the police station on</p> <p>17 Halloween --</p> <p>18 A Yes.. 5:11:18PM</p> <p>19 Q -- and December 10th, 2004? 5:11:18PM</p> <p>20 A I don't think so. 5:11:21PM</p> <p>21 Q Did you read their statements between 5:11:22PM</p> <p>22 that time?</p> <p>23 A I don't know. 5:11:26PM</p> <p>24 Q When you wrote this statement on 5:11:35PM</p> <p>25 December 10th, 2004, were you working straight</p>

Page 369

1 **RICHARD BOSETTI**
2 **from memory or did you have any notes or**
3 **anything else that you were working off of?**
4 A No, these were my notes. That's why I 5:11:46PM
5 made a statement.
6 **Q So your statement was based on an 5:11:49PM**
7 **event that happened six weeks earlier on a night**
8 **in which you had at least five drinks; is that**
9 **correct?**
10 MR. NOVIKOFF: Objection. 5:11:57PM
11 A Whoa, whoa, whoa. Yeah, maybe five. 5:11:57PM
12 I forgot that one in --
13 MR. NOVIKOFF: Objection anyway. 5:12:02PM
14 A Yeah, I think that would be pretty 5:12:07PM
15 accurate after six weeks.
16 **Q Now, if you look down on the 5:12:13PM**
17 **statement -- let's look at the handwritten**
18 **statement this time. See the paragraph that**
19 **starts "On October 31, 2004"?**
20 **Do you see that? 5:12:28PM**
21 A The handwritten? 5:12:29PM
22 **Q Yeah. 5:12:30PM**
23 A On the very first page? 5:12:31PM
24 **Q On 3202 is the Bates number on the 5:12:32PM**
25 **bottom corner.**

Page 370

1 **RICHARD BOSETTI**
2 A 3202. On October -- 5:12:35PM
3 **Q It's a little bit higher up from where 5:12:39PM**
4 **your finger is.**
5 A Yeah. 5:12:42PM
6 **Q Okay. If you look down, starting on 5:12:42PM**
7 **that line, one, two, three, four, five, six,**
8 **seven lines down, you state, "Not wanting to get**
9 **involved at that time, I went out front looking**
10 **for the squad car."**
11 **Do you see that? 5:12:55PM**
12 A Yeah. 5:12:57PM
13 **Q You were a police officer in the 5:12:57PM**
14 **village, correct?**
15 A Yes. 5:13:01PM
16 **Q Why didn't you want to get involved in 5:13:01PM**
17 **an altercation?**
18 A Because, I explained that to you 5:13:04PM
19 before, they were outside all night. They were
20 outside all night, the bumpers just about
21 touching the bar. All I had to do was, whoa.
22 Okay? That's always better, to get a cop in
23 uniform. And they weren't there, so -- plus, my
24 brother had already taken police action.
25 **Q So at that time, you knew that your 5:13:25PM**

Page 371

1 **RICHARD BOSETTI**
2 **brother had already taken police action?**
3 A No, I didn't know my brother was 5:13:29PM
4 involved at that time. After the rumble, I went
5 to the door to see if the cop was still there.
6 **Q My question, sir, was why didn't you 5:13:36PM**
7 **want to get involved at that time.**
8 MR. NOVIKOFF: Objection. Asked and 5:13:40PM
9 answered.
10 A Because I explained to you before that 5:13:41PM
11 it looks bad if a cop is off duty and he gets
12 involved into an altercation in a liquor
13 establishment, and I just remembered that Snyder
14 was parked right outside the door, only a few
15 feet away. What better than that?
16 **Q Did the fact that you were drinking 5:13:59PM**
17 **have any role in your not wanting to get**
18 **involved?**
19 A No, not at all. Because once he 5:14:06PM
20 wasn't, we got involved. I got involved.
21 **Q Do you know whether Gary actually saw 5:14:10PM**
22 **Jean Yager getting choked?**
23 A Sure did. 5:14:16PM
24 **Q He told you that he actually witnessed 5:14:17PM**
25 **it?**

Page 372

1 **RICHARD BOSETTI**
2 A Yes, he did. 5:14:19PM
3 **Q And if you look down -- I think it's 5:14:25PM**
4 **down on the bottom. On the typewritten**
5 **statement, it's one, two, three, four, five,**
6 **six, seven, eight, nine, 10, 11, 12 lines up**
7 **from the bottom on the first page.**
8 A One, two, three, four, five, six, 5:14:42PM
9 seven, eight, nine, 10, 11, 12.
10 **Q The sentence says, "A few minutes 5:14:44PM**
11 **later, I was walking up to the police station**
12 **when I noticed Jean Yager and her husband**
13 **walking to CJ's."**
14 A Okay. 5:14:52PM
15 **Q Do you see that? 5:14:52PM**
16 A Yes. 5:14:53PM
17 **Q Had you been in CJ's already by this 5:14:53PM**
18 **time?**
19 A No. 5:14:56PM
20 **Q So you were walking to the police 5:14:57PM**
21 **station, saw the Yager's walking into CJ's?**
22 A Yeah, that's what I wrote. But I told 5:15:02PM
23 you before that they were sitting in CJ's, so --
24 that's why I wanted to refresh my memory.
25 **Q So you didn't see them sitting in CJ's 5:15:13PM**

Page 373

1 **RICHARD BOSETTI**
2 **the first time; you actually saw them walking**
3 **into CJ's?**
4 A No. When I went into CJ's, they were 5:15:20PM
5 sitting in CJ's.
6 **Q Was it after you saw them walking into 5:15:24PM**
7 **CJ's?**
8 A It's the same time. It's the same 5:15:25PM
9 thing. What I meant -- if I said I seen them
10 walking in to CJ's, then I saw them walking into
11 CJ's, not that I walked into the bar and they
12 were there.
13 **Q Well, I want to know which one is it. 5:15:36PM**
14 **Did you walk into the bar and they were there**
15 **or --**
16 A I don't know. I can't -- 5:15:40PM
17 MR. NOVIKOFF: Whoa, whoa. 5:15:41PM
18 BY MR. GOODSTADT: 5:15:42PM
19 **Q Did you walk into the bar and see them 5:15:43PM**
20 **there or were you on your way to the police**
21 **station and saw them walking into CJ's?**
22 MR. NOVIKOFF: Objection. 5:15:51PM
23 A Well, being that this is only a few 5:15:52PM
24 weeks after, then I'll stick with this one.
25 **Q You're going to stick with which one? 5:15:57PM**

Page 374

1 **RICHARD BOSETTI**
2 A It says that I saw them walking into 5:15:59PM
3 CJ's, so then I saw them walking into CJ's.
4 **Q And then it says that you walked over 5:16:06PM**
5 **to them and she stated she would walk over to**
6 **the station with you --**
7 A Yes. 5:16:09PM
8 **Q -- so she could tell the officers what 5:16:09PM**
9 **happened and how she was assaulted?**
10 A Yes. 5:16:13PM
11 **Q Did that happen? 5:16:13PM**
12 A Yes. 5:16:14PM
13 **Q Did that happen -- did she tell you 5:16:15PM**
14 **that while you were inside CJ's or while you**
15 **were outside CJ's?**
16 A While we were inside CJ's. 5:16:24PM
17 **Q Okay. So you saw them walking in -- 5:16:24PM**
18 **you were on your way to the station, you saw**
19 **them walking, and then you followed them in?**
20 A Yes. 5:16:27PM
21 **Q Okay. So you didn't go into the 5:16:27PM**
22 **station prior to that?**
23 A I can't remember seeing them walking 5:16:30PM
24 in. I can just go by what my statement says.
25 They were inside CJ's. If I say that -- if this

Page 375

1 **RICHARD BOSETTI**
2 says I saw them walk in, then they walked in, I
3 saw them walk in.
4 **Q And you walked in after them? 5:16:40PM**
5 MR. NOVIKOFF: Objection. 5:16:41PM
6 A If they were already -- yeah. 5:16:42PM
7 **Q Then it says, "When we came out of 5:16:43PM**
8 **CJ's, there was an ambulance in front of the**
9 **station house."**
10 **Do you see that? 5:16:48PM**
11 A Yes. 5:16:48PM
12 **Q How long was it between the time you 5:16:49PM**
13 **walked into CJ's and the time that you walked**
14 **out and saw the ambulance?**
15 A I'm not sure. I'm not sure if I saw 5:17:00PM
16 the ambulance already before I went into CJ's
17 and she said let's go to the precinct and
18 straighten it out and I said, well, Frank's
19 gonna handle it; anyway, there's the ambulance
20 there right now, let's wait. I don't know if it
21 was a minute or two back or -- I can't be
22 accurate with that.
23 **Q How long were you in CJ's for? 5:17:22PM**
24 A I'm only guessing. Maybe enough time 5:17:26PM
25 for a drink. Not long.

Page 376

1 **RICHARD BOSETTI**
2 **Q Which is how long? How long does it 5:17:32PM**
3 **take you to drink a drink?**
4 A I don't know. I don't know. 5:17:35PM
5 **Q Is it five minutes, 20 minutes? How 5:17:35PM**
6 **long does it take you to drink a drink?**
7 A I don't think it was five -- I don't 5:17:40PM
8 think it was 20 minutes.
9 **Q So somewhere between 5 and 20 minutes? 5:17:43PM**
10 MR. NOVIKOFF: Objection. 5:17:46PM
11 A I don't know. It was a long time ago. 5:17:46PM
12 I don't know.
13 **Q Then if you look at one, two, three, 5:17:49PM**
14 **four lines up from the bottom of that first**
15 **page.**
16 A Yeah. 5:17:54PM
17 **Q It says, "At this time, I felt my 5:17:55PM**
18 **presence was being disruptive to the**
19 **investigation" --**
20 A Yep. 5:18:00PM
21 **Q -- "so I felt I should leave for a 5:18:00PM**
22 **bit."**
23 **Do you see that? 5:18:02PM**
24 A Yeah. 5:18:03PM
25 **Q So you felt that you should leave and 5:18:03PM**

Page 377

1 **RICHARD BOSETTI**

2 **left or somebody asked you to leave?**

3 A Yeah. Well, Tommy Snyder told me to 5:18:06PM

4 leave, and obviously it was because I'd be

5 disruptive.

6 **Q But you didn't put in your statement 5:18:15PM**

7 **that Tommy Snyder asked you to leave, correct?**

8 A I don't know. Did I? 5:18:21PM

9 **Q Well, I'll represent it's not in here. 5:18:21PM**

10 A No, I think it might be in Snyder's 5:18:26PM

11 statement.

12 **Q Well, how do you recall it? Do you 5:18:28PM**

13 **recall him telling you to leave or did you feel**

14 **that your presence was being disruptive to the**

15 **investigation so you felt like you should leave**

16 **voluntarily?**

17 A I know someone told me to leave, and 5:18:44PM

18 I'm almost positive it was Snyder.

19 **Q Then it says two lines up from that 5:18:48PM**

20 **line that one of the three males that you helped**

21 **escort out of the bar said, what the fuck are**

22 **you doing in here.**

23 **Do you see that? 5:18:58PM**

24 A Yeah. 5:19:03PM

25 **Q Does that refresh your recollection as 5:19:04PM**

Page 378

1 **RICHARD BOSETTI**

2 **to whether you heard anything that any of the**

3 **three people said?**

4 A Yeah. Well, they knew I was at the 5:19:10PM

5 bar.

6 **Q But before you testified, sir, that 5:19:11PM**

7 **you didn't recall hearing anything that the**

8 **three people who were in the altercation said**

9 **while they were in the station house.**

10 MR. NOVIKOFF: Objection. 5:19:19PM

11 A Right. 5:19:20PM

12 **Q In your statement it says that you 5:19:20PM**

13 **heard them say, what the fuck are you doing in**

14 **here, correct?**

15 MR. NOVIKOFF: Objection. 5:19:23PM

16 A Well, if I said in this statement 5:19:24PM

17 that's what they said, then that's exactly what

18 happened.

19 **Q Does that refresh your recollection or 5:19:31PM**

20 **no?**

21 A No. 5:19:34PM

22 **Q Who arrested Brian Van Coot? 5:19:52PM**

23 A My brother. 5:19:54PM

24 **Q When was that arrest, do you know? 5:19:56PM**

25 A No.. 5:19:58PM

Page 379

1 **RICHARD BOSETTI**

2 **Q Do you recall whether it was days, 5:20:01PM**

3 **weeks, months?**

4 A I think it was the day of the -- when 5:20:03PM

5 we went to court.

6 **Q Did you attend the court appearance? 5:20:09PM**

7 A Yes. 5:20:11PM

8 **Q Did you have to testify at all at the 5:20:12PM**

9 **court appearance?**

10 A No.. 5:20:15PM

11 **Q Why did you attend? 5:20:15PM**

12 A Same reason that other officers go to 5:20:20PM

13 court appearances, to back up their brother

14 officers.

15 **Q Were you on duty? 5:20:27PM**

16 A I don't recall. I don't know. 5:20:30PM

17 **Q Was your brother on duty? 5:20:31PM**

18 A No. 5:20:33PM

19 **Q Did he attend the court hearing? 5:20:34PM**

20 A Yes. 5:20:36PM

21 **Q How many other officers, whether it be 5:20:37PM**

22 **on duty or off duty, attended that court**

23 **hearing?**

24 A I don't know. 5:20:43PM

25 **Q Do you recall any other officers who 5:20:43PM**

Page 380

1 **RICHARD BOSETTI**

2 **were there?**

3 A I don't know. 5:20:45PM

4 **Q Have you ever been in an apartment at 5:20:53PM**

5 **the corner of Ocean Breeze and Baywalk?**

6 A Yes. 5:20:58PM

7 **Q Who lives there? 5:21:00PM**

8 A Mitch. 5:21:01PM

9 **Q Mitch who? 5:21:03PM**

10 A And Jackie, his wife. 5:21:04PM

11 **Q Do you know their last names? 5:21:08PM**

12 A No. 5:21:09PM

13 **Q Is it Mitch Burns? 5:21:12PM**

14 A Yeah, that sounds good. 5:21:13PM

15 **Q How many times have you been to that 5:21:18PM**

16 **apartment?**

17 A More than once, less than -- jeez, 5:21:26PM

18 less than five or six.

19 **Q Did you ever hear that Mitch dealt 5:21:42PM**

20 **drugs?**

21 MR. NOVIKOFF: Objection. 5:21:46PM

22 A No.. I heard that other cops said 5:21:47PM

23 that, but I knew Mitch, and I knew he had a

24 photo machine store over here in Manhattan.

25 **Q What cops did you hear allege that he 5:21:58PM**

Page 381

1 **RICHARD BOSETTI**

2 **was selling drugs?**

3 A Probably these three. 5:22:02PM

4 **Q Which three?** 5:22:03PM

5 A Snyder, Lamm, Frank. 5:22:05PM

6 **Q Anyone else?** 5:22:11PM

7 MR. NOVIKOFF: Just note for the 5:22:13PM

8 record that Mr. Lamm is not in the room

9 right now.

10 THE WITNESS: Yeah. 5:22:16PM

11 A That's it. 5:22:18PM

12 **Q What did you hear them say about 5:22:18PM**

13 **Mr. Burns?**

14 A That he may be -- without even having 5:22:25PM

15 any proof, may be a drug dealer.

16 **Q You don't know what it was based on? 5:22:34PM**

17 A No. 5:22:36PM

18 **Q Did you actually hear them say it? 5:22:37PM**

19 A Yeah, I guess I did, yes. 5:22:46PM

20 **Q Which one of the three that you 5:22:48PM**

21 **testified say it did you actually hear make that**

22 **statement?**

23 A I don't know which one. I know, like, 5:23:00PM

24 the entire midnight -- a lot of the midnight

25 guys thought that. Maybe a few of the 4 to 12

Page 382

1 **RICHARD BOSETTI**

2 guys thought that. But I stayed there. They

3 made me dinner. His wife was very nice. And

4 multimillion dollar home. I can't see how he's

5 being like a drive-by drug dealer, you know.

6 It's just -- like I said, he has a good business

7 over here in Manhattan, from what I understood.

8 **Q Did you ever see his business' 5:23:30PM**

9 **financials?**

10 A No. But I wasn't investigating him. 5:23:33PM

11 I didn't see any wrongdoing.

12 **Q What guys on the 4 to 12 shift thought 5:23:37PM**

13 **that Mitch was a drug dealer?**

14 A I don't know. I don't know. Don't 5:23:41PM

15 forget, some of the guys on the 4 to 12 shift

16 also worked the midnight shift. You know, it

17 just -- it rotates a lot of times.

18 **Q Okay. Other than the for the three 5:23:51PM**

19 **guys that you testified that you heard that**

20 **from, who else did you hear that from, what**

21 **other officers, that Mitch was a drug dealer?**

22 A I don't know. 5:24:00PM

23 **Q Do you recall anyone else that you 5:24:01PM**

24 **heard that from?**

25 A Excuse me? 5:24:05PM

Page 383

1 **RICHARD BOSETTI**

2 **Q Do you recall any other officers who 5:24:05PM**

3 **you heard that from?**

4 A No. 5:24:08PM

5 **Q Did you ever hear that he was selling 5:24:16PM**

6 **Fentanyl lollipops?**

7 A Who? 5:24:20PM

8 **Q Fentanyl lollipops?** 5:24:21PM

9 A He was? 5:24:23PM

10 **Q Yes. Did you ever hear that?** 5:24:24PM

11 MR. NOVIKOFF: Objection. 5:24:26PM

12 A No, no. If I seen him sell lollipops, 5:24:26PM

13 I would've locked him up. Well, not lollipops.

14 **Q Well, I didn't ask whether you saw it.. 5:24:32PM**

15 **I asked whether you had heard he was selling**

16 **them?**

17 A Yeah. No. 5:24:37PM

18 **Q Did you ever hear that he possessed 5:24:37PM**

19 **them?**

20 MR. NOVIKOFF: Objection. 5:24:40PM

21 A That he possessed them? 5:24:40PM

22 **Q Yes.** 5:24:42PM

23 A No. I never heard anything -- that he 5:24:43PM

24 was doing anything crooked or against the law.

25 **Q Other than for some of the cops saying 5:24:48PM**

Page 384

1 **RICHARD BOSETTI**

2 **that he was a drug dealer?**

3 A No proof. In other words, I never saw 5:24:51PM

4 him doing anything.

5 **Q I believe you testified before that 5:24:56PM**

6 **you threw a file cabinet into the bay; is that**

7 **correct?**

8 A Yeah. 5:25:01PM

9 **Q When was that?** 5:25:02PM

10 A That was -- I don't know. 5:25:03PM

11 **Q Do you recall what year it was?** 5:25:04PM

12 A No. I think they were still working, 5:25:05PM

13 though, because they know all about that

14 incident.

15 **Q What do you mean "they were still 5:25:10PM**

16 **working"? Who are you referring to?**

17 A Frank was asked to clean up the -- one 5:25:13PM

18 of the cells in the police precinct. He

19 started --

20 **Q Go ahead, finish.** 5:25:20PM

21 A This has to do with the case. You 5:25:22PM

22 want to know why there's cabinets in the water?

23 **Q Finish.** 5:25:24PM

24 A He started crying like a baby, why 5:25:24PM

25 don't the Bosetti brothers do it.

<p style="text-align: right;">Page 385</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Do what? 5:25:29PM</p> <p>3 A Clean out the cell. 5:25:29PM</p> <p>4 Q That's why the cabinet was in the 5:25:32PM</p> <p>5 water?</p> <p>6 A No. They did clean out the cell. 5:25:34PM</p> <p>7 They moved the cabinet. They moved it right on</p> <p>8 my bed or at the foot of my bed up in the</p> <p>9 barracks. Now, do you think that was done</p> <p>10 purposely? No. I come up 3:30, 4:00 in the</p> <p>11 morning. Lights are off. I slam my leg into</p> <p>12 the freakin' cabinet.. I knew exactly where it</p> <p>13 came from and why it was there. I picked up the</p> <p>14 cabinet. I walked it downstairs. I went right</p> <p>15 outside the chief of police's window and threw</p> <p>16 the cabinet in the water.</p> <p>17 Q Do you know what was in the cabinet? 5:26:03PM</p> <p>18 A Jimmy Hoffa. 5:26:05PM</p> <p>19 Q Do you know what was in the cabinet? 5:26:06PM</p> <p>20 A No. There were blank fingerprint 5:26:08PM</p> <p>21 cards still in that pressed -- what do you call</p> <p>22 that Saran Wrap and heat it up and it</p> <p>23 (indicating)?</p> <p>24 Q Did you look in the cabinet before you 5:26:16PM</p> <p>25 threw it in the bay?</p>	<p style="text-align: right;">Page 387</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yeah, I would've been pissed off too. 5:26:51PM</p> <p>3 MR. GOODSTADT: Note my objection to 5:26:54PM</p> <p>4 that question.</p> <p>5 Q How many drinks did you have that 5:26:56PM</p> <p>6 night?</p> <p>7 A Five. 5:26:58PM</p> <p>8 Q So you were drunk? 5:26:58PM</p> <p>9 A What? 5:26:59PM</p> <p>10 Q Were you drunk that night? 5:27:00PM</p> <p>11 A No, pissed off. 5:27:02PM</p> <p>12 Q Did you write or tell the person who 5:27:03PM</p> <p>13 took your polygraph that it takes five drinks</p> <p>14 for you to get drunk?</p> <p>15 A I told him it took three drinks to get 5:27:10PM</p> <p>16 drunk, and I could drink and get buzzed on one</p> <p>17 drink sometimes. It all depends on your</p> <p>18 metabolism.</p> <p>19 Q So were you drunk that night? 5:27:18PM</p> <p>20 A I don't recall. I would've done it 5:27:20PM</p> <p>21 anyway.</p> <p>22 Q Was that Ocean Beach police property? 5:27:22PM</p> <p>23 A Yes, it was. 5:27:26PM</p> <p>24 Q How did you get the filing cabinet out 5:27:28PM</p> <p>25 of the bay?</p>
<p style="text-align: right;">Page 386</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yes, yes. 5:26:20PM</p> <p>3 Q Did you search the cabinet to see what 5:26:20PM</p> <p>4 was in there?</p> <p>5 A Yep, sure did. 5:26:20PM</p> <p>6 Q 4:00 in the morning? 5:26:20PM</p> <p>7 A Yep, I did. 5:26:22PM</p> <p>8 Q Was there anything else in there other 5:26:22PM</p> <p>9 than for the blank fingerprint cards?</p> <p>10 A No. 5:26:27PM</p> <p>11 Q Were there any surveillance tapes in 5:26:27PM</p> <p>12 there?</p> <p>13 A No. I wouldn't throw surveillance 5:26:30PM</p> <p>14 tapes -- if I had any brains and I was crooked,</p> <p>15 like these guys, I wouldn't throw them out in</p> <p>16 front of the chief of police window.</p> <p>17 Q Was that one of the nights that you 5:26:37PM</p> <p>18 were drinking and staying in the barracks?</p> <p>19 A Yeah. 5:26:41PM</p> <p>20 Q How many drinks did you have that 5:26:41PM</p> <p>21 night?</p> <p>22 A Enough to piss me off when I slammed 5:26:44PM</p> <p>23 my foot into that locker.</p> <p>24 Q If you were sober, you wouldn't have 5:26:48PM</p> <p>25 been pissed off?</p>	<p style="text-align: right;">Page 388</p> <p>1 RICHARD BOSETTI</p> <p>2 A I asked John -- they know John's name, 5:27:33PM</p> <p>3 he was the head of the lifeguards there. I</p> <p>4 forget his last name. He was also a New York</p> <p>5 City fireman -- if he had a chance, if he could</p> <p>6 send one of the lifeguards over and just pull it</p> <p>7 out of the bay for me, because it was an</p> <p>8 eyesore. It was like laying in 4 feet of water.</p> <p>9 Q Is that how it got out of the bay? 5:27:51PM</p> <p>10 A Yeah. 5:27:53PM</p> <p>11 Q Were the contents destroyed? 5:27:54PM</p> <p>12 A No. As a matter of fact, if you want, 5:27:55PM</p> <p>13 talk to John the fireman, he knows what was in</p> <p>14 there. Bottenback or whatever. I don't know.</p> <p>15 Q Did you see -- did you look inside to 5:28:07PM</p> <p>16 see efficient contents were destroyed?</p> <p>17 A You mean the fingerprint cards? 5:28:12PM</p> <p>18 Q Whatever was inside the -- 5:28:14PM</p> <p>19 A Well, I wouldn't use them again. 5:28:15PM</p> <p>20 Q So they were destroyed? 5:28:16PM</p> <p>21 A Yeah, probably. 5:28:18PM</p> <p>22 Q Were you ever disciplined for that 5:28:23PM</p> <p>23 incident?</p> <p>24 A Nah. 5:28:26PM</p> <p>25 Q Did anyone speak to you about that 5:28:28PM</p>

Page 389	Page 391
<p>1 RICHARD BOSETTI</p> <p>2 incident?</p> <p>3 A Yeah, the chief. 5:28:30PM</p> <p>4 Q Chief Paradiso? 5:28:31PM</p> <p>5 A He was pissed. Yeah. 5:28:32PM</p> <p>6 Q And what did he tell you? 5:28:33PM</p> <p>7 A Why the hell did you throw the cabinet 5:28:34PM</p> <p>8 in the water?</p> <p>9 Q What did you say? 5:28:37PM</p> <p>10 A What I told you, because them MFs were 5:28:38PM</p> <p>11 told to clean out the cell, and they knew where</p> <p>12 they put it I'd come in and trip over the damn</p> <p>13 thing. I knew exactly why it was there, and</p> <p>14 that's exactly why I threw it into the water.</p> <p>15 Q What leads you to believe they put it 5:28:53PM</p> <p>16 by your bed so you would trip over it?</p> <p>17 A You gotta be kidding me, right? Come 5:28:56PM</p> <p>18 on. They did. They did. I believed it because</p> <p>19 I'm the one that hit it, and I know that they</p> <p>20 were the ones that brought it up there. They</p> <p>21 could've put it in a million other places. Put</p> <p>22 it by my bed? No.</p> <p>23 Q Was that only your bed or did other 5:29:08PM</p> <p>24 people sleep in that bed too?</p> <p>25 A Well, it's actually other people's 5:29:12PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A I don't know. 5:30:08PM</p> <p>3 Q How do you know he asked it? 5:30:09PM</p> <p>4 A Because someone told me, he asked 5:30:10PM</p> <p>5 where you were. It may have been George that he</p> <p>6 asked, if George was working that day. I don't</p> <p>7 know.</p> <p>8 Q Do you know who told him that you 5:30:19PM</p> <p>9 threw it into the bay?</p> <p>10 MR. NOVIKOFF: Objection. 5:30:22PM</p> <p>11 A He didn't know that I threw it into 5:30:22PM</p> <p>12 the bay. He said, where are the Bosetti</p> <p>13 brothers, because he had a feeling that we did</p> <p>14 that.</p> <p>15 Q Why would he think that you guys did 5:30:29PM</p> <p>16 that?</p> <p>17 A I don't know. I don't know. Maybe 5:30:31PM</p> <p>18 George said that the cabinet was in the cells</p> <p>19 and I asked Fiorillo to clean it out, and he</p> <p>20 don't know what happened after that.</p> <p>21 Q So he would just assume that the 5:30:43PM</p> <p>22 Bosettis threw it, based on that?</p> <p>23 A Yeah. 5:30:47PM</p> <p>24 Q And what else did Paradiso tell you 5:30:50PM</p> <p>25 that led you to believe that he was pissed?</p>
Page 390	Page 392
<p>1 RICHARD BOSETTI</p> <p>2 bed, but I got the mattresses. I purchased the</p> <p>3 mattresses there so everybody could sleep on it.</p> <p>4 We were the only ones that took care of the</p> <p>5 barracks.</p> <p>6 Q Was that a bedroom or was that a 5:29:24PM</p> <p>7 storage room that your mattress was in?</p> <p>8 A A bedroom/storage room, if you want to 5:29:27PM</p> <p>9 call it that, slash -- it used to be a weight</p> <p>10 room, a place for bicycles, you know. My</p> <p>11 sleeping bag was laid out on the bed. They knew</p> <p>12 I slept there. They knew I was going to come in</p> <p>13 that night. It was right there.</p> <p>14 Q Did you ever ask them why they put it 5:29:46PM</p> <p>15 up there?</p> <p>16 A No. 5:29:51PM</p> <p>17 Q How did Paradiso find out about the 5:29:54PM</p> <p>18 incident?</p> <p>19 A When he looked out of the window in 5:29:57PM</p> <p>20 the morning, he saw a filing cabinet in the</p> <p>21 water.</p> <p>22 Q How did he know you did it? 5:30:03PM</p> <p>23 A Because he asked where the Bosetti 5:30:04PM</p> <p>24 brothers were last night.</p> <p>25 Q Who did he ask that? 5:30:07PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A He was just pissed off in general 5:30:58PM</p> <p>3 that, you know, we threw the police filing</p> <p>4 cabinet in the water. I apologized, I said it</p> <p>5 won't happen again, and that was it.</p> <p>6 Q Were you ever told that Frank Fiorillo 5:31:13PM</p> <p>7 complained to Chief Paradiso about it?</p> <p>8 A About the -- 5:31:17PM</p> <p>9 Q -- file cabinet being thrown in? 5:31:18PM</p> <p>10 A I bet he did. I bet he told them 5:31:20PM</p> <p>11 there were tapes in there too, right?</p> <p>12 Q Did you ever learn that at some point, 5:31:25PM</p> <p>13 that Fiorillo told Paradiso about the incident?</p> <p>14 A Jeez, I wonder if that brings up the 5:31:29PM</p> <p>15 rat thing again. No.</p> <p>16 Q Do you know whether Fiorillo was ever 5:31:35PM</p> <p>17 disciplined by Hesse about that incident?</p> <p>18 A Fiorillo was disciplined by Hesse -- 5:31:41PM</p> <p>19 no, not over that incident, I'm sorry.</p> <p>20 Q Do you recall Fiorillo being forced to 5:31:46PM</p> <p>21 stand in the same spot for three tours in a row?</p> <p>22 A Was that for that incident? 5:31:52PM</p> <p>23 Q My question was do you recall that 5:31:54PM</p> <p>24 being --</p> <p>25 A I don't know. It might have been for 5:31:56PM</p>

<p style="text-align: right;">Page 393</p> <p>1 RICHARD BOSETTI</p> <p>2 that incident.</p> <p>3 Q Do you recall Fiorillo being forced to stand in the same spot for three tours? 5:31:58PM</p> <p>4</p> <p>5 A Yeah, but that might have been for 5:32:03PM</p> <p>6 another incident.</p> <p>7 Q What incident? 5:32:05PM</p> <p>8 A He was coming in from the checkpoint, 5:32:06PM</p> <p>9 George Hesse, with two, three brand-new guys in</p> <p>10 the car with him. These guys didn't even start</p> <p>11 one day yet, and George turns around to Frank,</p> <p>12 Frank was in the car, and he says, when we bring</p> <p>13 this thing back, this vehicle back, I want you</p> <p>14 to wash the windows. Frank got pissed off</p> <p>15 again. Why don't the Bosetti brothers do it?</p> <p>16 He had an altercation with George in the car</p> <p>17 right in front of the new men. George was</p> <p>18 embarrassed as hell that a subordinate went up</p> <p>19 against him in front of all of the young kids,</p> <p>20 and that's why he was standing on a corner.</p> <p>21 Q How do you know it was for that incident? 5:32:41PM</p> <p>22</p> <p>23 A Because I remember laughing. 5:32:43PM</p> <p>24 Q Okay. How did you learn -- were you in the car? 5:32:45PM</p> <p>25</p>	<p style="text-align: right;">Page 395</p> <p>1 RICHARD BOSETTI</p> <p>2 in this case were let go?</p> <p>3 A I was at the meeting -- 5:33:50PM</p> <p>4 MR. NOVIKOFF: Objection. Do we 5:33:51PM</p> <p>5 still --</p> <p>6 MR. GOODSTADT: We have our 5:33:55PM</p> <p>7 stipulation.</p> <p>8 MR. NOVIKOFF: Okay, fine. 5:33:56PM</p> <p>9 A I was at the meeting in April, and 5:33:56PM</p> <p>10 then I found out they were let go.</p> <p>11 Q Did you find out prior to the meeting? 5:34:01PM</p> <p>12 A No. 5:34:03PM</p> <p>13 Q How did you learn there was going to be a meeting in April? 5:34:05PM</p> <p>14</p> <p>15 A People said they were let go. They 5:34:10PM</p> <p>16 were walking to the boat.</p> <p>17 Q How did you learn that there was going to be a meeting in April? 5:34:15PM</p> <p>18</p> <p>19 A A meeting in April? 5:34:18PM</p> <p>20 Q Yes. 5:34:19PM</p> <p>21 A The same way I learned for every 5:34:20PM</p> <p>22 April. They call you up and say we're having a</p> <p>23 meeting in April.</p> <p>24 MR. GOODSTADT: Just mark that. 5:34:26PM</p> <p>25 (Whereupon, Bates document 2662 was 5:34:27PM</p>
<p style="text-align: right;">Page 394</p> <p>1 RICHARD BOSETTI</p> <p>2 A No. 5:32:47PM</p> <p>3 Q So how did you learn about what happened in the car? 5:32:48PM</p> <p>4</p> <p>5 A George Hesse came and said, do you 5:32:51PM</p> <p>6 believe what this son of a bitch just did to me?</p> <p>7 Q So George made him stand for three tours? 5:32:55PM</p> <p>8</p> <p>9 A I guess, if that was the time. Yes. 5:32:59PM</p> <p>10 Yeah.</p> <p>11 Q Did you ever lose a police radio? 5:33:07PM</p> <p>12 A I don't know. 5:33:17PM</p> <p>13 Q Do you recall ever losing the police radio and it subsequently being found at the Palms Hotel? 5:33:18PM</p> <p>14</p> <p>15</p> <p>16 A No. I'm sorry. I left them in the 5:33:26PM</p> <p>17 cars, in vehicles.</p> <p>18 Q You left the police radio in cars and vehicles? 5:33:30PM</p> <p>19</p> <p>20 A In the car sometimes. People always 5:33:34PM</p> <p>21 forget their radio, to turn them in, and then</p> <p>22 they look at their pocket, oh, the radio's here,</p> <p>23 I'll leave it in the patrol car for the next guy</p> <p>24 to put it back.</p> <p>25 Q How did you learn that the plaintiffs 5:33:47PM</p>	<p style="text-align: right;">Page 396</p> <p>1 RICHARD BOSETTI</p> <p>2 marked as R. Bosetti Exhibit 11 for</p> <p>3 identification, as of this date.)</p> <p>4 MR. GOODSTADT: I've placed in front 5:34:48PM</p> <p>5 of Mr. Bosetti what's been marked as R.</p> <p>6 Bosetti Exhibit 11. It's a one-page</p> <p>7 exhibit, bearing Bates stamp 2662.</p> <p>8 BY MR. GOODSTADT: 5:34:59PM</p> <p>9 Q Mr. Bosetti, do you recall receiving this memo/letter in or around March of 2006? 5:35:00PM</p> <p>10</p> <p>11 A Yeah, now I do, from reading. 5:35:04PM</p> <p>12 Q Did you receive this at your home? 5:35:06PM</p> <p>13 A I don't know. 5:35:07PM</p> <p>14 Q Did you attend the meeting on April 2nd? 5:35:10PM</p> <p>15</p> <p>16 A Yes, I did. 5:35:12PM</p> <p>17 Q Did you work the off season between the '05 season and the '06 season? 5:35:16PM</p> <p>18</p> <p>19 A Maybe once or twice or three times, or 5:35:21PM</p> <p>20 maybe more than that.</p> <p>21 Q Prior to attending this meeting, did you speak with George Hesse about staffing for the upcoming season? 5:35:30PM</p> <p>22</p> <p>23</p> <p>24 A I don't recall. 5:35:38PM</p> <p>25 Q Did you talk learn from Mr. Hesse 5:35:49PM</p>

Page 397	Page 399
<p>1 RICHARD BOSETTI</p> <p>2 prior to the meeting that the five plaintiffs</p> <p>3 were going to be let go that day?</p> <p>4 A No. 5:35:55PM</p> <p>5 Q Did you learn from Mr. Hesse prior to 5:35:55PM</p> <p>6 that meeting that anyone was going to be let go</p> <p>7 that day?</p> <p>8 A No. 5:35:55PM</p> <p>9 Q How did you learn of their being let 5:35:56PM</p> <p>10 go?</p> <p>11 A When they walked out of the boathouse 5:36:00PM</p> <p>12 on their way to catch the ferry, the water taxi</p> <p>13 back.</p> <p>14 Q And how did you learn about it? 5:36:08PM</p> <p>15 A Guys were talking. 5:36:11PM</p> <p>16 Q Who was talking? 5:36:12PM</p> <p>17 A The guys that were attending the 5:36:13PM</p> <p>18 meeting. I don't know.</p> <p>19 Q You don't recall who was talking? 5:36:16PM</p> <p>20 A No. 5:36:18PM</p> <p>21 Q What did those guys -- 5:36:19PM</p> <p>22 A Everybody. It was like a big thing, 5:36:19PM</p> <p>23 like, oh, wow.</p> <p>24 Q What did those guys say that alerted 5:36:21PM</p> <p>25 you to the fact that they had been let go?</p>	<p>1 RICHARD BOSETTI</p> <p>2 ones. You know, sometimes people can't make it,</p> <p>3 sometimes people can.</p> <p>4 Q The officers and dispatchers were 5:37:12PM</p> <p>5 there?</p> <p>6 A Who? 5:37:14PM</p> <p>7 Q The officers and dispatchers were both 5:37:15PM</p> <p>8 there?</p> <p>9 A Yeah. 5:37:19PM</p> <p>10 Q That was approximately 20 people at 5:37:19PM</p> <p>11 the meeting?</p> <p>12 A Yeah. 5:37:22PM</p> <p>13 Q Did anybody announce at the meeting 5:37:24PM</p> <p>14 that the guys had been let go?</p> <p>15 A That's why I cheered. 5:37:27PM</p> <p>16 Q Who made the announcement? 5:37:29PM</p> <p>17 A I don't know. It might have been 5:37:31PM</p> <p>18 George, whoever was at the top.</p> <p>19 Q What was announced? 5:37:35PM</p> <p>20 A Excuse me? 5:37:35PM</p> <p>21 Q What was announced? 5:37:35PM</p> <p>22 A That four guys got let go, five guys 5:37:37PM</p> <p>23 got let go, and he named them.</p> <p>24 Q He named who it was? 5:37:44PM</p> <p>25 A Yeah, yeah. 5:37:45PM</p>
Page 398	Page 400
<p>1 RICHARD BOSETTI</p> <p>2 A That they were let go. They're not 5:36:27PM</p> <p>3 coming back.</p> <p>4 Q Did you say anything to any of the 5:36:32PM</p> <p>5 guys who were let go that day on that day?</p> <p>6 A Inside the boathouse? 5:36:39PM</p> <p>7 Q At any point that day, did you say 5:36:40PM</p> <p>8 anything to any of them?</p> <p>9 A Did I say anything? 5:36:41PM</p> <p>10 Q Yes. 5:36:43PM</p> <p>11 A I cheered. 5:36:43PM</p> <p>12 Q You cheered? 5:36:44PM</p> <p>13 A Yeah. 5:36:44PM</p> <p>14 Q Where were you when you cheered? 5:36:45PM</p> <p>15 A In the boathouse during the meeting, 5:36:46PM</p> <p>16 when --</p> <p>17 Q And where were they when you cheered? 5:36:51PM</p> <p>18 A Halfway home. 5:36:53PM</p> <p>19 Q So they had already left the island at 5:36:54PM</p> <p>20 the time?</p> <p>21 A Yeah. 5:36:56PM</p> <p>22 Q Who was at the meeting on April 2nd, 5:36:59PM</p> <p>23 2006?</p> <p>24 A Probably about, like before, 5:37:03PM</p> <p>25 20 people. I don't know if they were the same</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Did he say why they were let go? 5:37:46PM</p> <p>3 A No, not that I -- I don't know. Not 5:37:51PM</p> <p>4 that I can recall.</p> <p>5 Q Did anyone ask why they were let go? 5:37:53PM</p> <p>6 A Because half of them sleep and half of 5:37:55PM</p> <p>7 them are crooked.</p> <p>8 Q Sir, the question was did anybody ask. 5:38:00PM</p> <p>9 Did anybody ask why they were let go?</p> <p>10 A I don't know. I don't know. 5:38:06PM</p> <p>11 Q Sitting here today, do you know why 5:38:09PM</p> <p>12 they were let go?</p> <p>13 A Yeah. 5:38:12PM</p> <p>14 Q Why were they let go? 5:38:13PM</p> <p>15 A Because the way they treat people. 5:38:15PM</p> <p>16 The way they harass people. The way half of</p> <p>17 them come in and go to bed. You don't need that</p> <p>18 in the town. You're supposed to work with the</p> <p>19 people.</p> <p>20 Q Did you hear of any other reasons why 5:38:29PM</p> <p>21 they were let go?</p> <p>22 A No. Probably some of it had to be 5:38:33PM</p> <p>23 stemmed -- but not two of them. Two of them</p> <p>24 weren't there for the Halloween incident. So I</p> <p>25 would say maybe the Halloween incident had</p>

Page 401

1 RICHARD BOSETTI
2 something to do with it.
3 **Q What's the basis of your belief that 5:38:46PM**
4 **the Halloween incident had something to do with**
5 **it?**
6 A Because they falsified information, 5:38:51PM
7 tried to get an officer locked up.
8 **Q Did George Hesse tell you the 5:38:54PM**
9 **Halloween incident had something to do with it?**
10 A No. 5:38:59PM
11 **Q Did anyone tell you that? 5:38:59PM**
12 A No. 5:39:00PM
13 **Q Did anyone tell you that the way they 5:39:01PM**
14 **treated people had something to do with it?**
15 A People come in and say how they're 5:39:04PM
16 treated off the street.
17 **Q Sir, I'm not asking you anything about 5:39:08PM**
18 **how they were treated. I'm asking you**
19 **whether -- so we're clear for the record, I'm**
20 **asking whether anyone told you that the way that**
21 **they treated people was the basis for their**
22 **termination.**
23 A Everybody knew it. You didn't have to 5:39:19PM
24 say it.
25 **Q Did anyone say it to you? 5:39:21PM**

Page 402

1 RICHARD BOSETTI
2 A I don't recall. 5:39:23PM
3 **Q Did anyone tell you that the fact that 5:39:25PM**
4 **they harassed people was the basis for their**
5 **termination?**
6 A I don't recall.. 5:39:32PM
7 **Q Did anyone tell you that because they 5:39:34PM**
8 **come and go to bed was the reason for their**
9 **termination?**
10 MR. NOVIKOFF: I'm sorry, what was 5:39:39PM
11 the -- because they what?
12 MR. GOODSTADT: Because they come on 5:39:40PM
13 duty and go to bed was the reason for their
14 termination.
15 A I don't recall. 5:39:43PM
16 **Q Do you recall any reason that anyone 5:39:44PM**
17 **told you why they were let go?**
18 A No. I could only assume that it's 5:39:51PM
19 because they're crooked, they came in and went
20 to bed and maybe with the Halloween incident.
21 It's just common sense.
22 **Q Isn't it true that George Hesse said 5:40:04PM**
23 **at the meeting that Snyder and Carter were let**
24 **go because they were going to wear a wire for**
25 **the D.A.'s office in connection with the Gilbert**

Page 403

1 RICHARD BOSETTI
2 **incident?**
3 MR. NOVIKOFF: Objection. Leading. 5:40:19PM
4 MR. CONNOLLY: Objection. 5:40:22PM
5 MR. GOODSTADT: Let me repeat the 5:40:25PM
6 question --
7 MR. NOVIKOFF: Let me state my 5:40:27PM
8 objection.
9 MR. GOODSTADT: -- for the record. 5:40:28PM
10 BY MR. GOODSTADT: 5:40:30PM
11 **Q Isn't it true that George Hesse stated 5:40:31PM**
12 **at the meeting that Carter and Snyder were being**
13 **let go because they were going to wear a wire**
14 **for the D.A.'s office in connection with the**
15 **Gilbert incident?**
16 MR. NOVIKOFF: Objection. Asked and 5:40:42PM
17 answered. Leading.
18 MR. CONNOLLY: Objection. 5:40:45PM
19 BY MR. GOODSTADT: 5:40:46PM
20 **Q You can answer. 5:40:47PM**
21 A Wait a minute. They were let go 5:40:48PM
22 before the Gilbert incident..
23 **Q Sir, I represent they were let go on 5:40:52PM**
24 **April 2nd, 2006, and the Gilbert incident**
25 **happened in 2005.**

Page 404

1 RICHARD BOSETTI
2 MR. NOVIKOFF: Objection. 5:40:59PM
3 A I don't think they were -- I don't 5:41:01PM
4 think they were there. To me, I think they were
5 already gone when the Gilbert incident happened,
6 but maybe I'm wrong. I don't know.
7 **Q So I'm going to ask the question 5:41:11PM**
8 **again.**
9 **Isn't it true that George Hesse 5:41:13PM**
10 **announced at the meeting that Carter and Snyder**
11 **were let go because they were going to wear a**
12 **wire for the D.A. in connection with the Gilbert**
13 **incident?**
14 A No. 5:41:20PM
15 MR. NOVIKOFF: Objection. 5:41:22PM
16 MR. CONNOLLY: Objection. 5:41:23PM
17 A Because, like I told you, I didn't 5:41:23PM
18 realize -- I would've remembered something like
19 that. I always thought the Gilbert incident
20 happened after they left.
21 **Q So you would've remembered something 5:41:29PM**
22 **like that?**
23 A Yeah. 5:41:31PM
24 **Q You remember the Gilbert incident 5:41:33PM**
25 **happening afterwards?**

Page 405

1 **RICHARD BOSETTI**

2 MR. NOVIKOFF: Objection. 5:41:37PM

3 Argumentative.

4 BY MR. GOODSTADT: 5:41:40PM

5 **Q Is that your testimony? 5:41:40PM**

6 A I thought the Gilbert incident 5:41:41PM

7 happened after they left. Obviously, I'm wrong.

8 **Q You said there was something about a 5:41:45PM**

9 **rumor. What rumor are you talking about?**

10 A Okay. The rumor was that somebody was 5:41:49PM

11 wearing a wire. And now, I don't know who,

12 because I know you're gonna ask me that. I

13 don't know who told me. I don't know who was

14 wearing a wire. But that was the rumor.

15 **Q What was the actual rumor that you 5:42:03PM**

16 **heard, that somebody was wearing a wire?**

17 A Somebody's wearing a wire, yeah. 5:42:07PM

18 **Q In connection with the Gilbert 5:42:08PM**

19 **incident?**

20 A No. No. Just in connection -- I 5:42:11PM

21 don't know. Just in general.

22 **Q Did you know of that rumor from George 5:42:16PM**

23 **Hesse?**

24 A No. 5:42:20PM

25 **Q Who did you learn that rumor from? 5:42:20PM**

Page 406

1 **RICHARD BOSETTI**

2 A I'm not sure. 5:42:22PM

3 **Q Was it a well-known rumor on the 5:42:23PM**

4 **beach -- or strike that.**

5 **Was it a well-known rumor among the 5:42:28PM**

6 **police officers on the beach?**

7 MR. NOVIKOFF: Objection. 5:42:32PM

8 A Well, I knew it. My brother knew it. 5:42:33PM

9 I didn't discuss it with everybody. We knew

10 that that was rumored.

11 **Q Other than your brother, who did you 5:42:41PM**

12 **discuss it with?**

13 A Excuse me. 5:42:45PM

14 **Q Other than your brother, who did you 5:42:46PM**

15 **discuss it with?**

16 A I don't know. 5:42:48PM

17 **Q You don't know a single person? 5:42:49PM**

18 A No, no. A lot of times rumors pop up 5:42:51PM

19 in a police department. Rumors all the time pop

20 up. If a new guy that comes in is a plant.

21 It's always --

22 **Q Did you discuss it with your brother 5:42:59PM**

23 **that somebody was gonna wear a wire?**

24 A Yeah. 5:43:03PM

25 **Q When did you discuss that with him? 5:43:05PM**

Page 407

1 **RICHARD BOSETTI**

2 A I don't know when. 5:43:08PM

3 **Q What did you discuss with him about 5:43:09PM**

4 **that rumor?**

5 A Trying to figure out who would be the 5:43:12PM

6 one to wear a wire and for what reason.

7 **Q And did you reach any conclusions as 5:43:18PM**

8 **to who would be the one to wear a wire and for**

9 **what reason?**

10 A I thought possibly it was Dave Gurdien. 5:43:23PM

11 **Q Did your brother indicate who he 5:43:29PM**

12 **thought it was?**

13 A No. We just tossed it around a little 5:43:32PM

14 bit.

15 **Q Did you ever mention any of the 5:43:35PM**

16 **plaintiffs as someone who might have worn a**

17 **wire?**

18 A No. 5:43:40PM

19 **Q Did you ever hear any rumors that any 5:43:41PM**

20 **of the plaintiffs might have worn a wire?**

21 A No. 5:43:44PM

22 **Q Did you ever hear any rumors that any 5:43:45PM**

23 **of the plaintiffs were going to wear a wire?**

24 A No. 5:43:49PM

25 **Q Did you ever hear that Arnold 5:43:49PM**

Page 408

1 **RICHARD BOSETTI**

2 **Hardman's lawyer mentioned that some of the**

3 **plaintiffs were going to wear a wire?**

4 MR. NOVIKOFF: Objection. 5:43:56PM

5 MR. CONNOLLY: Objection. 5:43:58PM

6 A No. 5:44:01PM

7 MR. NOVIKOFF: Even though I don't 5:44:05PM

8 have to object to hearsay, that was like

9 triple.

10 BY MR. GOODSTADT: 5:44:10PM

11 **Q Who's Chris Moran? 5:44:14PM**

12 A Chris Moran is a -- we use him as a 5:44:21PM

13 dispatcher.

14 **Q Does he still work there, do you know? 5:44:26PM**

15 A I don't know.. 5:44:28PM

16 **Q Was he working there when you were 5:44:28PM**

17 **fired?**

18 A I think so. 5:44:34PM

19 **Q Are you friends with Mr. Moran? 5:44:38PM**

20 A I like him. He was always a 5:44:42PM

21 gentleman. Never has a bad thing to say about

22 anybody.

23 **Q Do you think Mr. Moran is an honest 5:44:48PM**

24 **person?**

25 MR. NOVIKOFF: Objection. 5:44:51PM

Page 409	Page 411
<p>1 RICHARD BOSETTI</p> <p>2 MR. CONNOLLY: Objection. 5:44:53PM</p> <p>3 A If I had to read somebody, I would 5:44:53PM</p> <p>4 say, yeah, he's honest. Why, do you got</p> <p>5 something?</p> <p>6 Q Did you ever know him to lie? 5:44:59PM</p> <p>7 MR. NOVIKOFF: Objection. 5:45:02PM</p> <p>8 A No. 5:45:03PM</p> <p>9 Q Is it true that Hesse called the 5:45:04PM</p> <p>10 people who were let go rats at that meeting?</p> <p>11 MR. NOVIKOFF: Objection. 5:45:10PM</p> <p>12 MR. CONNOLLY: Objection. 5:45:11PM</p> <p>13 A At that meeting? 5:45:12PM</p> <p>14 Q Yes. 5:45:13PM</p> <p>15 A No, I didn't hear that. 5:45:13PM</p> <p>16 Q Did you ever hear Hesse call any of 5:45:14PM</p> <p>17 the plaintiffs rats?</p> <p>18 A No. 5:45:18PM</p> <p>19 Q Did you ever hear your brother calling 5:45:18PM</p> <p>20 any of the plaintiffs rats?</p> <p>21 A My brother call the -- maybe between 5:45:21PM</p> <p>22 me and him. You know, during the thing where --</p> <p>23 the civil service thing, that somebody's making</p> <p>24 a call, we discussed that before.</p> <p>25 Q Any other occasions? 5:45:29PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Sitting here today, did you ever 5:46:11PM</p> <p>3 discuss with George Hesse the reasons why the</p> <p>4 plaintiffs were let go?</p> <p>5 A No. Just took it for granted, because 5:46:22PM</p> <p>6 they weren't good cops.</p> <p>7 Q But you never heard that from George 5:46:26PM</p> <p>8 Hesse?</p> <p>9 A Well, put it this way. George was 5:46:28PM</p> <p>10 pissed at Frank that time when he was</p> <p>11 insubordinate in front of the new recruits, you</p> <p>12 know. I'm pretty sure he was pissed off after</p> <p>13 what happened with the Halloween incident. I</p> <p>14 mean, you don't need too much smarts to figure</p> <p>15 it out.</p> <p>16 Q Okay, I agree with something. 5:46:50PM</p> <p>17 MR. CONNOLLY: Objection. 5:46:53PM</p> <p>18 BY MR. GOODSTADT: 5:46:58PM</p> <p>19 Q Did you ever read any blogs that deal 5:46:58PM</p> <p>20 with the Ocean Beach Police Department?</p> <p>21 A Yeah. 5:47:02PM</p> <p>22 Q What blogs have you read? 5:47:03PM</p> <p>23 A Long Island politics dot com. 5:47:06PM</p> <p>24 Q Any other blogs other than Long Island 5:47:11PM</p> <p>25 politics dot com?</p>
Page 410	Page 412
<p>1 RICHARD BOSETTI</p> <p>2 A No. 5:45:30PM</p> <p>3 Q When you said you cheered, did you 5:45:34PM</p> <p>4 actually say anything while you were cheering in</p> <p>5 front of everybody, or was it just a hooray?</p> <p>6 A I said, all right. Like that. 5:45:41PM</p> <p>7 Q Did you say in sum or substance that 5:45:44PM</p> <p>8 it's about time you fired those guys?</p> <p>9 A I could've said that. 5:45:48PM</p> <p>10 Q Do you recall if anybody else said 5:45:49PM</p> <p>11 that?</p> <p>12 A No. 5:45:50PM</p> <p>13 Q In sum or substance? 5:45:51PM</p> <p>14 A No. 5:45:52PM</p> <p>15 Q Is it true that George Hesse told you 5:45:54PM</p> <p>16 that you owed them hours for terminating the</p> <p>17 plaintiffs?</p> <p>18 MR. NOVIKOFF: Objection. 5:46:00PM</p> <p>19 MR. CONNOLLY: Objection. 5:46:01PM</p> <p>20 A Owed him? 5:46:02PM</p> <p>21 Q Hours.. 5:46:04PM</p> <p>22 MR. NOVIKOFF: Objection. 5:46:04PM</p> <p>23 A Owed him hours? 5:46:06PM</p> <p>24 Q Hours to work. 5:46:08PM</p> <p>25 A No. 5:46:09PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A No, that's it. 5:47:16PM</p> <p>3 Q Did you ever read something called the 5:47:18PM</p> <p>4 Schwartz report?</p> <p>5 A No. 5:47:21PM</p> <p>6 Q How many times have you read the blog 5:47:21PM</p> <p>7 on Long Island politics dot com?</p> <p>8 A When it was going hot and heavy, I'd 5:47:27PM</p> <p>9 tune in.</p> <p>10 Q When was that? What time period? 5:47:30PM</p> <p>11 A I don't know. A few years ago. 5:47:33PM</p> <p>12 Q Did you ever post on the blog? 5:47:35PM</p> <p>13 A No. I told you I don't type. 5:47:37PM</p> <p>14 Q Did your brother ever post on the 5:47:40PM</p> <p>15 blog?</p> <p>16 A No. 5:47:42PM</p> <p>17 Q Do you know any other officers at 5:47:42PM</p> <p>18 Ocean Beach, current or former officers, that</p> <p>19 posted on the blog?</p> <p>20 A No. 5:47:49PM</p> <p>21 Q Did you ever speak to George Hesse 5:47:49PM</p> <p>22 about the blog?</p> <p>23 A Yeah, maybe. 5:47:53PM</p> <p>24 Q Tell me everything you recall in sum 5:47:56PM</p> <p>25 and substance that you and Mr. Hesse discussed</p>

Page 413

1 **RICHARD BOSETTI**
2 **about the blog.**
3 A Discussed -- we discussed the parts 5:48:02PM
4 about how his wife and family was dragged into
5 this and there was no need to do that.
6 **Q Did you discuss anything else about 5:48:11PM**
7 **the blog with Mr. Hesse --**
8 A No. 5:48:13PM
9 **Q -- other than the fact that his wife 5:48:13PM**
10 **and family were dragged in?**
11 A No. 5:48:16PM
12 **Q Do you know if Mr. Hesse ever posted 5:48:17PM**
13 **on the blog?**
14 A No. 5:48:20PM
15 **Q Did you ever ask him? 5:48:21PM**
16 A No. 5:48:22PM
17 **Q Do you know whether Ty Bacon ever 5:48:24PM**
18 **posted on the blog?**
19 A No. 5:48:26PM
20 **Q Did you ever ask him? 5:48:27PM**
21 A No. 5:48:28PM
22 **Q When was the last time you read the 5:48:41PM**
23 **blog?**
24 A I tuned in yesterday, but I hadn't 5:48:44PM
25 searched, though, for the last Ocean Beach

Page 414

1 **RICHARD BOSETTI**
2 department post, the caption there, because I
3 haven't been on it for months. And I think it
4 goes all the way back.. The last one went back
5 to September or August.
6 **Q September of '08? 5:49:04PM**
7 A Yeah. 5:49:06PM
8 **Q Why did you log on yesterday? 5:49:06PM**
9 A Curiosity. I said, oh, man, I 5:49:09PM
10 haven't -- I haven't, you know, caught up on
11 this in a while. And I went on it, and it was
12 just back to where it was months and months ago.
13 **Q Do you know what a police benevolent 5:49:28PM**
14 **association is?**
15 A Yes. 5:49:32PM
16 **Q What is that? 5:49:33PM**
17 A It's a policemen's -- it's like a 5:49:35PM
18 union, like PBA.
19 **Q Was there a PBA in Ocean Beach? 5:49:43PM**
20 A From what I understand, there was 5:49:46PM
21 the -- no, there wasn't a PBA.
22 **Q Were you a card-carrying member of any 5:49:52PM**
23 **PBA in Ocean Beach?**
24 A No. 5:49:57PM
25 **Q Do you know whether any donations were 5:49:58PM**

Page 415

1 **RICHARD BOSETTI**
2 **made to a PBA in Ocean Beach?**
3 A No. Maybe to the officers, you know, 5:50:02PM
4 so they could clean up the barracks and stuff
5 like that.
6 **Q What do you mean by that? 5:50:10PM**
7 A Well, maybe people would donate to the 5:50:11PM
8 town so we could buy a microwave or we could get
9 a couch or we could do things like that. But
10 how it works, I don't know.
11 (Whereupon, Bates document 4673 was 5:50:24PM
12 marked as R. Bosetti Exhibit 12 for
13 identification, as of this date.)
14 MR. NOVIKOFF: You're not giving up on 5:50:42PM
15 this one, are you?
16 MR. GOODSTADT: You had some good 5:50:45PM
17 testimony from Cherry on it.
18 MR. NOVIKOFF: I missed that one. 5:50:49PM
19 MR. GOODSTADT: No, you didn't. Took 5:50:50PM
20 a break right after, brought him out and
21 coached him.
22 MR. NOVIKOFF: Oh. That's nice, 5:50:53PM
23 Andrew. How do you know I coached him?
24 Were you there? Did anyone tell you?
25 MR. GOODSTADT: He did. 5:51:00PM

Page 416

1 **RICHARD BOSETTI**
2 MR. NOVIKOFF: Oh, yeah. 5:51:00PM
3 MR. GOODSTADT: What number is this? 5:51:04PM
4 THE REPORTER: 12. 5:51:06PM
5 MR. GOODSTADT: I've placed in front 5:51:08PM
6 of Mr. Bosetti what's been marked as R.
7 Bosetti Exhibit 12. It's a one-page
8 exhibit, bearing Bates 4673. (Handing.)
9 BY MR. GOODSTADT: 5:51:19PM
10 **Q Mr. Bosetti, do you know who Sally 5:51:17PM**
11 **Hesse is?**
12 A No. 5:51:21PM
13 **Q Do you see here this letter to 5:51:22PM**
14 **Mr. Hesse, George Hesse, that is. It says,**
15 **"Please find enclosed a donation in support of**
16 **the Ocean Beach Police Benevolent Association on**
17 **behalf of my mother, Tina Hesse."**
18 **Do you see that? 5:51:34PM**
19 A Yes. 5:51:35PM
20 **Q Do you know who Tina Hesse is? 5:51:36PM**
21 A No. Any relations? 5:51:37PM
22 **Q I'm just asking if you know who Tina 5:51:38PM**
23 **Hesse is, that's referred to in this letter.**
24 A No. 5:51:41PM
25 **Q Do you know where 744 Ocean Breeze is? 5:51:42PM**

Page 417	Page 419
<p>1 RICHARD BOSETTI</p> <p>2 A No, I don't. 5:51:45PM</p> <p>3 Q Okay. 5:51:46PM</p> <p>4 A I know it's on Ocean Breeze. 5:51:47PM</p> <p>5 Q Do you know what happened to the money 5:51:49PM</p> <p>6 that was donated by Sally Hesse on behalf of her</p> <p>7 mother?</p> <p>8 A No, I don't. 5:51:55PM</p> <p>9 (Whereupon, Bates document 926-927 was 5:52:14PM</p> <p>10 marked as R. Bosetti Exhibit 13 for</p> <p>11 identification, as of this date.)</p> <p>12 MR. GOODSTADT: I've placed in front 5:52:35PM</p> <p>13 of Mr. Bosetti what's been marked as R.</p> <p>14 Bosetti 13. It's a two-page exhibit,</p> <p>15 bearing Bates P 926 to 927. (Handing.)</p> <p>16 BY MR. GOODSTADT: 5:52:48PM</p> <p>17 Q Mr. Bosetti, have you ever seen the 5:52:48PM</p> <p>18 document marked as R. Bosetti Exhibit 13?</p> <p>19 A No. 5:52:52PM</p> <p>20 Q If you look down at the bottom, where 5:52:54PM</p> <p>21 it says "George B. Hesse, Deputy Chief,</p> <p>22 103/OBPD."</p> <p>23 Do you see that? 5:53:05PM</p> <p>24 A Yes. 5:53:05PM</p> <p>25 Q Do you know what 103/OBPD stands for? 5:53:06PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 P336 was marked as R. Bosetti Exhibit 14 for</p> <p>3 identification, as of this date.)</p> <p>4 MR. GOODSTADT: I've placed in front 5:54:33PM</p> <p>5 of Mr. Bosetti what's been marked as R.</p> <p>6 Bosetti Exhibit 14. It is a two-page</p> <p>7 exhibit, bearing Bates P 916 and P 336.</p> <p>8 (Handing.)</p> <p>9 BY MR. GOODSTADT: 5:54:47PM</p> <p>10 Q Mr. Bosetti, have you ever seen this 5:54:47PM</p> <p>11 letter marked that's been marked as R. Bosetti</p> <p>12 Exhibit 14?</p> <p>13 A Yes. 5:54:51PM</p> <p>14 Q When did you see this? 5:54:51PM</p> <p>15 A I think I saw it in the precinct. 5:54:53PM</p> <p>16 Q When? 5:54:57PM</p> <p>17 A I don't know. 5:54:58PM</p> <p>18 Q Do you recall how you came about 5:55:01PM</p> <p>19 seeing it? Did somebody hand it to you?</p> <p>20 A I don't know if one of the officers 5:55:05PM</p> <p>21 handed it to me or who handed it to me or if it</p> <p>22 was just laying around.</p> <p>23 Q Do you recall reading it at the time? 5:55:12PM</p> <p>24 A Yeah, uh-huh. 5:55:14PM</p> <p>25 Q Did you ever discuss it with anybody? 5:55:16PM</p>
Page 418	Page 420
<p>1 RICHARD BOSETTI</p> <p>2 A That's his shield. 5:53:11PM</p> <p>3 Q Then under it, it says "Ocean Beach 5:53:13PM</p> <p>4 Police Benevolent Association."</p> <p>5 Do you see that? 5:53:18PM</p> <p>6 A Yes. 5:53:18PM</p> <p>7 Q Does that refresh your recollection as 5:53:19PM</p> <p>8 to whether there was an Ocean Beach Police</p> <p>9 Benevolent Association?</p> <p>10 MR. NOVIKOFF: Objection. 5:53:27PM</p> <p>11 A I've never seen this document before. 5:53:28PM</p> <p>12 Q It doesn't refresh your recollection 5:53:30PM</p> <p>13 one way or the other?</p> <p>14 A No. No. 5:53:33PM</p> <p>15 Q Before, you testified about a letter 5:53:33PM</p> <p>16 with respect to Tom Snyder getting late and</p> <p>17 getting paid -- getting to his shift late and</p> <p>18 getting paid for that. Do you recall that come</p> <p>19 testimony?</p> <p>20 MR. NOVIKOFF: Objection.. 5:53:47PM</p> <p>21 A Yeah. You referred to that. 5:53:48PM</p> <p>22 Q Did you ever see that letter? 5:53:50PM</p> <p>23 A I don't recall. I remember talking to 5:53:53PM</p> <p>24 Tommy about it.</p> <p>25 (Whereupon, Bates document P916 and 5:53:58PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 A No. 5:55:18PM</p> <p>3 Q You never discussed this letter with 5:55:18PM</p> <p>4 Hesse?</p> <p>5 A No. 5:55:20PM</p> <p>6 Q Did you ever discuss it with Paradiso? 5:55:21PM</p> <p>7 A No. 5:55:22PM</p> <p>8 Q I believe you testified you may have 5:55:23PM</p> <p>9 discussed it Snyder.</p> <p>10 MR. NOVIKOFF: Objection. 5:55:27PM</p> <p>11 A Yes. 5:55:28PM</p> <p>12 Q Did you discuss it with him? 5:55:28PM</p> <p>13 A Yes. 5:55:29PM</p> <p>14 Q When did you discuss this letter with 5:55:30PM</p> <p>15 him?</p> <p>16 A When he came back begging for his job, 5:55:31PM</p> <p>17 and he said, I know you wrote that letter, Rich;</p> <p>18 and I said, what letter. And that's how we got</p> <p>19 into it.</p> <p>20 Q Had you seen the letter prior to Tom 5:55:40PM</p> <p>21 Snyder coming in and telling you that he knew</p> <p>22 you wrote it?</p> <p>23 A I don't know if it was before or 5:55:51PM</p> <p>24 after.</p> <p>25 Q Do you know who Eric Holm is? 5:55:56PM</p>

Page 421

1 **RICHARD BOSETTI**

2 A Eric? No, I'm sorry. 5:56:01PM

3 **Q Do you know who Alan Schneider is? 5:56:03PM**

4 A No. 5:56:08PM

5 **Q It says here CC to Alan Schneider, 5:56:10PM**

6 **Civil Service Commissioner.**

7 **Do you see that? 5:56:15PM**

8 A Okay, that's who he is. 5:56:16PM

9 MR. NOVIKOFF: Objection. 5:56:17PM

10 BY MR. GOODSTADT: 5:56:18PM

11 **Q Does that refresh your recollection or 5:56:18PM**

12 **you're just taking that based --**

13 MR. NOVIKOFF: Objection. 5:56:22PM

14 A You asked me if I knew who it was. 5:56:23PM

15 You just pointed it out to me.

16 **Q I'm just pointing out what it says 5:56:26PM**

17 **here.**

18 A Oh, okay. 5:56:29PM

19 **Q Does that refresh your recollection as 5:56:30PM**

20 **to who he is?**

21 MR. NOVIKOFF: Objection. 5:56:32PM

22 A No. 5:56:33PM

23 **Q If you look at the second page, which 5:56:34PM**

24 **is P 336?**

25 A Yes. 5:56:38PM

Page 422

1 **RICHARD BOSETTI**

2 **Q Do you recognize that handwriting? 5:56:39PM**

3 A No. 5:56:42PM

4 **Q Did you ever discuss this letter with 5:56:48PM**

5 **your brother?**

6 A When we found out about it, probably, 5:56:52PM

7 but I don't remember.

8 **Q Do you recall when you found out about 5:56:56PM**

9 **it?**

10 A I don't recall when I found out. I 5:57:00PM

11 don't know if it was before we discussed it with

12 Tommy, after we discussed it with Tommy.

13 **Q Who discussed it with Tommy, when you 5:57:07PM**

14 **say "we"?**

15 A Me. 5:57:09PM

16 **Q Who was at that meeting that you 5:57:10PM**

17 **testified about?**

18 A Me, my brother and George Hesse. 5:57:12PM

19 **Q Who called the meeting? 5:57:14PM**

20 A George Hesse. 5:57:15PM

21 MR. NOVIKOFF: Objection. 5:57:17PM

22 BY MR. GOODSTADT: 5:57:17PM

23 **Q What was the purpose of the meeting? 5:57:18PM**

24 A To talk to Tommy Snyder. 5:57:20PM

25 **Q About what? 5:57:22PM**

Page 423

1 **RICHARD BOSETTI**

2 A The Halloween incident. 5:57:23PM

3 **Q So this is after Tommy had been let 5:57:25PM**

4 **go?**

5 A Yeah. 5:57:28PM

6 **Q So you had a meeting to discuss the 5:57:30PM**

7 **Halloween incident with Tom Snyder a year and a**

8 **half after the incident occurred?**

9 A Tommy wanted his job back, and George 5:57:36PM

10 goes, let's talk to him. Let's feel it out.

11 Let's see if he's really sincere about this.

12 And right after talking to Tommy, he couldn't

13 answer any of my questions about why he pulled

14 that stunt, other than, oh, I just figured -- I

15 called it the way I saw it. I said, Tommy, how

16 could you call it the way you saw it. You never

17 called the boss. You never called me. You

18 never followed up on it.

19 **Q Do you know why if Tom Snyder asked to 5:58:02PM**

20 **have his job back, that George Hesse would have**

21 **you and your brother sitting in on that meeting?**

22 MR. CONNOLLY: Objection. 5:58:10PM

23 MR. NOVIKOFF: Objection. 5:58:11PM

24 A I don't know. Because we were working 5:58:12PM

25 that day.

Page 424

1 **RICHARD BOSETTI**

2 **Q Did you ever ask George why you were 5:58:15PM**

3 **invited to the meeting?**

4 A No. To talk to Tommy Snyder. We were 5:58:19PM

5 working that day. We didn't come in to --

6 specifically for a meeting. We were on duty

7 that day.

8 **Q I understand that you testified you 5:58:29PM**

9 **were on duty that day. But how did you know you**

10 **were going to be invited to this meeting?**

11 A George said Tom Snyder's going to come 5:58:35PM

12 in and talk to him.

13 **Q And what was discussed during that 5:58:39PM**

14 **meeting?**

15 A The Halloween incident. 5:58:43PM

16 **Q And what about the Halloween incident 5:58:45PM**

17 **was discussed?**

18 A On why an officer would make out a 5:58:51PM

19 report knowing that it was false and it would

20 get another officer into trouble.

21 **Q And who asked him that question? 5:59:01PM**

22 A I did. 5:59:03PM

23 **Q What was his response? 5:59:04PM**

24 A It was me and him. My brother 5:59:05PM

25 wouldn't even talk to the guy.

Page 425	Page 427
<p>1 RICHARD BOSETTI</p> <p>2 Q But your brother was at the meeting? 5:59:09PM</p> <p>3 A Huh? Yes. 5:59:11PM</p> <p>4 Q What was his response? 5:59:12PM</p> <p>5 A Just making up excuses. I can't give 5:59:15PM</p> <p>6 you explicit sentences, but just making up</p> <p>7 excuses. And I knew it was all dung, bull.</p> <p>8 Q How about in sum and substance, what 5:59:31PM</p> <p>9 did he say? I don't need explicit sentences,</p> <p>10 just sum and substance.</p> <p>11 MR. NOVIKOFF: "He" being who? 5:59:38PM</p> <p>12 MR. GOODSTADT: Tom Snyder. He just 5:59:42PM</p> <p>13 testified that he can't give me explicit</p> <p>14 sentences.</p> <p>15 BY MR. GOODSTADT: 5:59:43PM</p> <p>16 Q I don't need explicit sentences. But 5:59:43PM</p> <p>17 what did Tom Snyder say in response to your</p> <p>18 question?</p> <p>19 A I don't recall. All I know is at the 5:59:51PM</p> <p>20 end of the meeting, I was more pissed off than</p> <p>21 anything because I knew he was still BSing.</p> <p>22 Q Was anything discussed with Mr. Snyder 5:59:59PM</p> <p>23 in that meeting other than for the Halloween</p> <p>24 incident?</p> <p>25 A About the letter. Rich, I know you 6:00:07PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 then I got him to the conclusion that, oh, he</p> <p>3 meant the part on the envelope. And I said, I</p> <p>4 wouldn't be that crazy, to put -- to go through</p> <p>5 the trouble of typing a whole letter so that</p> <p>6 nobody could see my handwriting, but on the</p> <p>7 envelope I would write it out.</p> <p>8 Q And did you have a copy of the letter 6:01:08PM</p> <p>9 in front of you at the meeting?</p> <p>10 A No. 6:01:13PM</p> <p>11 Q What else was discussed at that 6:01:16PM</p> <p>12 meeting?</p> <p>13 A I don't recall. That's about it. 6:01:18PM</p> <p>14 Q So Tom Snyder came in to have a 6:01:19PM</p> <p>15 meeting to see if he could get his job back?</p> <p>16 A Yeah. 6:01:25PM</p> <p>17 Q And the only things that were 6:01:25PM</p> <p>18 discussed were Halloween and this letter?</p> <p>19 A Yeah, that's the only thing I could 6:01:29PM</p> <p>20 think of.</p> <p>21 Q What did George Hesse say about any of 6:01:32PM</p> <p>22 this during the meeting?</p> <p>23 A You gotta remember he questioned 6:01:36PM</p> <p>24 Tommy. I don't know what the questions were.</p> <p>25 He goes, well, Tommy, why didn't you call us or</p>
Page 426	Page 428
<p>1 RICHARD BOSETTI</p> <p>2 wrote the letter.</p> <p>3 Q What was your response to that? 6:00:10PM</p> <p>4 A Huh? 6:00:12PM</p> <p>5 Q What was your response to him saying 6:00:13PM</p> <p>6 that?</p> <p>7 A I said, if I wrote the letter, I said, 6:00:15PM</p> <p>8 you know my handwriting. My handwriting stands</p> <p>9 out. He goes, oh, it was typed. I said, oh,</p> <p>10 but the envelope was written. I said, well,</p> <p>11 then, you know, what am I stupid? I'm going to</p> <p>12 type out a letter and then put my handwriting on</p> <p>13 an envelope, where everybody in the precinct</p> <p>14 knows my handwriting.</p> <p>15 Q You said that to him? 6:00:35PM</p> <p>16 A Yeah. 6:00:37PM</p> <p>17 Q What was his response? 6:00:37PM</p> <p>18 A Like he understood. Maybe he doesn't 6:00:39PM</p> <p>19 believe me, but I think he understood.</p> <p>20 Q I think before you testified your 6:00:43PM</p> <p>21 response was "what letter."</p> <p>22 MR. NOVIKOFF: Objection. 6:00:46PM</p> <p>23 A This was after we were talking about 6:00:47PM</p> <p>24 the letter. I asked him, I said, I wouldn't</p> <p>25 write out a letter. He said it was typed. And</p>	<p>1 RICHARD BOSETTI</p> <p>2 why didn't you call the chief right away or why</p> <p>3 didn't you call me right away. You know, and --</p> <p>4 Q So all the questions that George Hesse 6:01:49PM</p> <p>5 asked were related to Halloween?</p> <p>6 A I think most of it. 6:01:57PM</p> <p>7 Q Have you ever been to Mitch Burns' 6:02:06PM</p> <p>8 residence in the city?</p> <p>9 A Never. 6:02:12PM</p> <p>10 Q Have you ever been to Elyse Miller's 6:02:14PM</p> <p>11 residence in New York City?</p> <p>12 A Yes. 6:02:19PM</p> <p>13 Q How many times? 6:02:19PM</p> <p>14 A Once. 6:02:20PM</p> <p>15 Q When? 6:02:20PM</p> <p>16 A Me and my brother took her out to 6:02:23PM</p> <p>17 dinner on the way going upstate.</p> <p>18 Q You went upstate with her? 6:02:33PM</p> <p>19 A No. She was never at the house. 6:02:35PM</p> <p>20 Q So you guys took her out to dinner, 6:02:37PM</p> <p>21 then dropped her off and then went upstate?</p> <p>22 A Yes. 6:02:42PM</p> <p>23 Q And when was this? 6:02:42PM</p> <p>24 A Quite a few years ago. 6:02:43PM</p> <p>25 Q Do you recall what year it was? 6:02:45PM</p>

Page 429	Page 431
<p>1 RICHARD BOSETTI</p> <p>2 A No. 6:02:46PM</p> <p>3 Q Was it before or after Halloween? 6:02:46PM</p> <p>4 A I think it was before. 6:02:49PM</p> <p>5 MR. NOVIKOFF: Off the record, Andrew. 6:02:51PM</p> <p>6 MR. GOODSTADT: We're on the record. 6:02:55PM</p> <p>7 MR. FEHRINGER: How much time do you 6:02:58PM</p> <p>8 think you're gonna have? It's 6:00 right</p> <p>9 now.</p> <p>10 MR. GOODSTADT: In that 15 to 20 6:03:03PM</p> <p>11 minute zone that I told you before that I</p> <p>12 might have after six. Are you all right</p> <p>13 going another 15 or 20 minutes?</p> <p>14 MR. FEHRINGER: Yeah, that's fine. 6:03:15PM</p> <p>15 MR. NOVIKOFF: Yeah. 6:03:16PM</p> <p>16 BY MR. GOODSTADT: 6:03:17PM</p> <p>17 Q Did you ever hear George Hesse state 6:03:18PM</p> <p>18 that he had a sexual relationship with Elyse</p> <p>19 Miller?</p> <p>20 MR. NOVIKOFF: Objection. 6:03:23PM</p> <p>21 MR. CONNOLLY: Objection. 6:03:24PM</p> <p>22 A No. 6:03:25PM</p> <p>23 Q You never heard that he slept with her 6:03:26PM</p> <p>24 in a hot tub at Mitch Burns' house?</p> <p>25 MR. NOVIKOFF: Objection. 6:03:30PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 thought your brother was very close to her,</p> <p>3 which led you to believe that he may have had a</p> <p>4 sexual relationship with her?</p> <p>5 A I don't know. I don't know. Like I 6:04:27PM</p> <p>6 said, I'm not even sure if he had sexual</p> <p>7 relations with her. I just knew that sort of</p> <p>8 they were fairly close.</p> <p>9 Q Did you ever have a sexual 6:04:38PM</p> <p>10 relationship with her?</p> <p>11 A No. 6:04:40PM</p> <p>12 Q Did you ever assign a dock master to 6:04:49PM</p> <p>13 cover for you at the station?</p> <p>14 A A dock master to cover for me? You 6:04:55PM</p> <p>15 mean leave the station in the hands of a dock</p> <p>16 master?</p> <p>17 Q Yes. 6:05:01PM</p> <p>18 A No. Not unless that dock master, 6:05:02PM</p> <p>19 slash, slash dispatcher, then yeah.</p> <p>20 Q How many dock masters/dispatchers were 6:05:09PM</p> <p>21 there?</p> <p>22 A Well, there was the kid that you just 6:05:13PM</p> <p>23 mentioned.</p> <p>24 Q Chris Moran? 6:05:15PM</p> <p>25 A Yeah. 6:05:16PM</p>
Page 430	Page 432
<p>1 RICHARD BOSETTI</p> <p>2 MR. CONNOLLY: Objection.. 6:03:32PM</p> <p>3 A No. No. 6:03:32PM</p> <p>4 Q Did your brother have a sexual 6:03:33PM</p> <p>5 relationship with her?</p> <p>6 A Yeah, my brother may have had a sexual 6:03:36PM</p> <p>7 relationship with her. I don't know for sure.</p> <p>8 I don't go asking him all those personal</p> <p>9 questions about his life, but he may have.</p> <p>10 Q And when did he have that 6:03:44PM</p> <p>11 relationship?</p> <p>12 A I'm not gonna get into it. I don't 6:03:47PM</p> <p>13 know. I don't ask him his personal life. He</p> <p>14 may not have. You gotta ask him that yourself.</p> <p>15 Q What leads you to believe that he did? 6:03:55PM</p> <p>16 A They were just -- they seemed very 6:03:59PM</p> <p>17 close.</p> <p>18 Q Was that before or after Halloween 6:04:02PM</p> <p>19 that they seemed so close?</p> <p>20 A I don't know. Before the Halloween -- 6:04:05PM</p> <p>21 we knew Elyse, I think from the first year we</p> <p>22 were there.</p> <p>23 Q '02? 6:04:12PM</p> <p>24 A She's a sweet kid. Yeah. 6:04:13PM</p> <p>25 Q And you don't recall what years you 6:04:16PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Anyone else? 6:05:18PM</p> <p>3 A No, that's the only one. 6:05:21PM</p> <p>4 Q Did you ever hear that any of the 6:05:22PM</p> <p>5 plaintiffs in this case complained to George</p> <p>6 Hesse about you assigning dock masters to cover</p> <p>7 your shift at the station?</p> <p>8 A I could imagine what they told 6:05:35PM</p> <p>9 George -- what they said. I wouldn't put</p> <p>10 anything past them.</p> <p>11 Q Did you ever hear that? 6:05:41PM</p> <p>12 A No. But there is a picture on the 6:05:42PM</p> <p>13 blog with two of you guys sitting on a table</p> <p>14 full of booze with some broads sitting on your</p> <p>15 lap. The same blog you were asking me about.</p> <p>16 MR. FEHRINGER: Just answer the 6:05:53PM</p> <p>17 question.</p> <p>18 BY MR. GOODSTADT: 6:05:56PM</p> <p>19 Q I'll go back to the question. 6:05:57PM</p> <p>20 Did you ever hear that the plaintiffs 6:05:58PM</p> <p>21 complained to George Hesse about your assigning</p> <p>22 dock masters to cover your shift at the station?</p> <p>23 A No. 6:06:04PM</p> <p>24 MR. NOVIKOFF: Objection. 6:06:05PM</p> <p>25</p>

Page 433

1 RICHARD BOSETTI

2 BY MR. GOODSTADT: 6:06:06PM

3 Q Do you know who Ron Smith is? 6:06:07PM

4 A No. 6:06:08PM

5 Q Did you ever hear of a store called A 6:06:10PM

6 Summer Place?

7 A Oh, yeah. Ron. And Roberta, yes.. 6:06:15PM

8 Very nice people.

9 Q Friends with them? 6:06:19PM

10 A Just from doing my patrol. I was 6:06:20PM

11 never at their house.

12 Q Did you ever buy anything in their 6:06:25PM

13 store?

14 A No. 6:06:28PM

15 Q Do you know whether any summonses were 6:06:32PM

16 ever issued to his wife, Roberta?

17 MR. NOVIKOFF: By Mr. Bosetti or by 6:06:37PM

18 anybody?

19 MR. GOODSTADT: By anybody. 6:06:39PM

20 A No, I don't know. 6:06:40PM

21 Q Have you ever heard that George Hesse 6:06:41PM

22 demanded that Frank Fiorillo withdraw a summons

23 that he issued to Roberta Smith?

24 A I wouldn't doubt any of Frank's 6:06:50PM

25 summonses were BS --

Page 434

1 RICHARD BOSETTI

2 MR. FEHRINGER: Answer the question. 6:06:54PM

3 A No. 6:06:55PM

4 Q Did you ever hear that George Hesse 6:06:57PM

5 tore up a summons that Frank Fiorillo wrote to

6 Roberta Smith?

7 MR. NOVIKOFF: Objection. 6:07:04PM

8 A No. 6:07:04PM

9 Q Did Ron Smith ever give you anything 6:07:12PM

10 from his store?

11 A No. 6:07:15PM

12 Q Did you ever have any deals with Ron 6:07:16PM

13 Smith?

14 MR. NOVIKOFF: Objection. 6:07:18PM

15 A Any what? 6:07:18PM

16 Q Any dealings, business dealings with 6:07:20PM

17 Ron Smith?

18 MR. NOVIKOFF: Oh, okay. 6:07:22PM

19 A No, not at all. 6:07:23PM

20 Q Who is Lisa Campbell? 6:07:24PM

21 A Lisa Campbell? Oh, she's a bartender 6:07:27PM

22 in CJ's.

23 Q Friends with her? 6:07:37PM

24 A Yes. 6:07:38PM

25 Q Did she live with Frank Tutone? 6:07:42PM

Page 435

1 RICHARD BOSETTI

2 T-U-T-O-N-E?

3 A Yes, she did. 6:07:49PM

4 Q Who is Frank Tutone? 6:07:50PM

5 A He used to work in the -- in a hotel. 6:07:52PM

6 He was married to the owner of -- Jackie, who

7 used to own the hotel on cottage and Bayview.

8 Q So he was living with Lisa Campbell 6:08:06PM

9 and he was married?

10 A They were separated at that time. 6:08:10PM

11 Q They were separated, and he was living 6:08:12PM

12 with Lisa Campbell?

13 A Yes. 6:08:15PM

14 Q Do you know whether Lisa Campbell ever 6:08:17PM

15 took out an order of protection against Tutone?

16 A Yes, she did. 6:08:22PM

17 Q When was that? 6:08:23PM

18 A I don't remember. A few years ago. 6:08:25PM

19 Q How did you learn about that? 6:08:27PM

20 A I was on the -- I was a police officer 6:08:30PM

21 in Ocean Beach, and you have to know who has

22 order of protections out against who.

23 Q Why do you have to know that? 6:08:37PM

24 A Why? 6:08:40PM

25 Q Yeah. 6:08:40PM

Page 436

1 RICHARD BOSETTI

2 A It's just a good heads-up. 6:08:41PM

3 Q Do you recall how you learned that she 6:08:44PM

4 had taken out an order of protection against

5 Mr. Tutone?

6 A I'm sorry? 6:08:50PM

7 Q Do you recall how you learned that she 6:08:53PM

8 took out an order of protection against

9 Mr. Tutone?

10 A She might have told me or George might 6:08:59PM

11 have told me, because I know Tutone was locked

12 up a few times for harassing her.

13 Q Physically harassing her? 6:09:07PM

14 A Yeah. 6:09:09PM

15 Q How many times? 6:09:10PM

16 A I could count once, but then there's 6:09:11PM

17 been arguments and fights and everything else.

18 Q Were you ever there when she contacted 6:09:17PM

19 the police station about an altercation she had

20 with Mr. Tutone?

21 MR. NOVIKOFF: Was he ever where? 6:09:24PM

22 MR. GOODSTADT: At the police station. 6:09:26PM

23 A I don't recall. I don't recall. 6:09:30PM

24 Because there's been a few altercations with her

25 and Tutone that I've responded to.

Page 437

1 RICHARD BOSETTI

2 **Q So you've responded to a few of them? 6:09:37PM**

3 A Yes. 6:09:39PM

4 **Q Have you ever arrested Tutone in 6:09:39PM**

5 **response to --**

6 A I never arrested him. I think George 6:09:42PM

7 might have arrested him once or one of the other

8 gentlemen on the 4 to 12, the officers on the 4

9 to 12. I never arrested him.

10 **Q Did you ever have an occasion in which 6:09:52PM**

11 **Ms. Campbell made a complaint about Mr. Tutone**

12 **and you discussed it with her at the police**

13 **station?**

14 A Yes. 6:10:08PM

15 **Q When was that? 6:10:10PM**

16 A That was the -- I don't know. I don't 6:10:12PM

17 know the exact date. She was all shook up. She

18 was shaking like crazy.

19 **Q Did you give her any wine? 6:10:19PM**

20 A Yes, I did. 6:10:21PM

21 **Q How come? 6:10:23PM**

22 A Because she was shaking like crazy, 6:10:24PM

23 and I felt -- I felt bad for her, and I said,

24 here, have a glass of wine; and she said, okay,

25 I'll have some.

Page 438

1 RICHARD BOSETTI

2 **Q Where did you get the wine from? 6:10:33PM**

3 A I don't know. 6:10:34PM

4 **Q Just wine in the police station? 6:10:36PM**

5 A It might have been. I didn't run out 6:10:37PM

6 and buy it.

7 **Q So just so I understand, she came down 6:10:40PM**

8 **to the police station?**

9 A Yes. 6:10:43PM

10 **Q To file a complaint of domestic abuse? 6:10:44PM**

11 A Yes. 6:10:46PM

12 **Q And you gave her a glass of wine? 6:10:47PM**

13 A Yes, I did. 6:10:48PM

14 **Q Did she file that complaint? 6:10:49PM**

15 A I don't recall. 6:10:52PM

16 **Q Were you trying to talk her out of 6:10:57PM**

17 **filing the complaint?**

18 A No. No way. You can't fool around 6:11:01PM

19 with an order of protection.

20 **Q Did you go out and arrest Mr. Tutone 6:11:05PM**

21 **when she came down and filed the complaint?**

22 A No. 6:11:10PM

23 **Q How come? 6:11:10PM**

24 A Because I think the midnight crew did 6:11:11PM

25 it.

Page 439

1 RICHARD BOSETTI

2 **Q Who did she make the complaint to, 6:11:16PM**

3 **which officer?**

4 A I think it was the 4 to 12. 6:11:19PM

5 **Q Were you on that shift? 6:11:21PM**

6 A Yes. 6:11:22PM

7 **Q Okay. How long were you with her in 6:11:23PM**

8 **the station that day?**

9 A I don't remember. 6:11:27PM

10 **Q Tell me everything that you recall, in 6:11:30PM**

11 **sum and substance, that you discussed with her**

12 **that day.**

13 A I was taking pictures, took pictures 6:11:40PM

14 of her, her bruises. And I don't know who came

15 in, the guys on the midnight, whatever, but it

16 was discussed that Frank Tutone was sleeping;

17 it's better off waiting till the morning or

18 later on, when the booze wears off or something

19 wears off, before they go and collar him.

20 **Q What time did -- 6:12:07PM**

21 A If that was the incident. 6:12:08PM

22 **Q -- did Ms. Campbell come in? 6:12:09PM**

23 A I don't know. Towards the end of the 6:12:12PM

24 evening, the last hour.

25 **Q So at some point around 11? 6:12:15PM**

Page 440

1 RICHARD BOSETTI

2 A Probably. 6:12:18PM

3 **Q Who else was in the station? 6:12:20PM**

4 A If my brother was working, he may have 6:12:22PM

5 been.

6 **Q Was Tom Snyder there? 6:12:28PM**

7 A Don't recall. 6:12:30PM

8 **Q Was Officer Dyer there? 6:12:30PM**

9 A Dyer, I don't recall. 6:12:33PM

10 **Q Was Officer Boggleman there? 6:12:34PM**

11 A I'm not sure. 6:12:37PM

12 **Q Was Frank Fiorillo there? 6:12:38PM**

13 A I'm not sure. 6:12:40PM

14 **Q Did Officer Boggleman make the 6:12:43PM**

15 **request?**

16 A I don't know who made the arrest. 6:12:46PM

17 **Q Were you there when Mr. Tutone was 6:12:48PM**

18 **arrested?**

19 A No. I think that was happening 6:12:51PM

20 somewhere towards the morning, when his buzz

21 wore off.. I'm only assuming.

22 **Q Are you aware of any law regarding an 6:13:00PM**

23 **automatic arrest where there's a claim of**

24 **domestic abuse against somebody who there's a**

25 **restraining order against?**

Page 441

1 **RICHARD BOSETTI**

2 A Yes, sure. 6:13:14PM

3 **Q What's that law? 6:13:15PM**

4 A That the person should be arrested. 6:13:16PM

5 **Q Was Ms. Campbell bruised? 6:13:19PM**

6 A Yes. 6:13:21PM

7 **Q Cut? 6:13:21PM**

8 A I don't know if she was cut. 6:13:22PM

9 **Q Did you ever speak to Officer 6:13:24PM**

10 **Boggleman about the incident?**

11 A No, I don't remember if I did or not. 6:13:28PM

12 **Q Did you fill out a report of the 6:13:30PM**

13 **incident?**

14 A No. 6:13:33PM

15 **Q You just took pictures? 6:13:34PM**

16 A Took pictures, and then the 12 to 6:13:36PM

17 midnight came in and they took it over.

18 **Q Did you have a glass of wine with her? 6:13:43PM**

19 A No. 6:13:45PM

20 **Q How many glasses of wine did she have? 6:13:46PM**

21 A Just a little thing like this 6:13:49PM

22 (indicating), just to calm her down, 2 ounces.

23 MR. GOODSTADT: Let's take a 6:14:01PM

24 two-minute break. I just want to review to

25 see what, if anything, I have left.

Page 442

1 **RICHARD BOSETTI**

2 THE VIDEOGRAPHER: The time is 6:15. 6:14:06PM

3 We're off the record.

4 (Whereupon, a discussion was held off 6:14:10PM

5 the record.)

6 THE VIDEOGRAPHER: The time is 6:20. 6:19:05PM

7 We are back on the record.

8 BY MR. GOODSTADT: 6:19:20PM

9 **Q Sir, I just have a few more questions 6:19:21PM**

10 **for you.**

11 **You testified that you took pictures 6:19:24PM**

12 **of Ms. Campbell; is that correct?**

13 A Yes. 6:19:28PM

14 **Q How many pictures did you take? 6:19:29PM**

15 A I don't know. 6:19:30PM

16 **Q Where did you put those pictures? 6:19:32PM**

17 A I left them with the 4 to 12 guys.. 6:19:34PM

18 Probably filed with her report.

19 **Q Who on the 4 to 12 guys? 6:19:39PM**

20 A Whoever relieved us. 6:19:41PM

21 **Q The 4 to 12 guys or the 12 to 8 guys? 6:19:42PM**

22 A I'm sorry, the 12 to 8 guys. I'm 6:19:44PM

23 getting tired too.

24 **Q Did you call rescue after Ms. Campbell 6:19:47PM**

25 **came in beaten and bruised?**

Page 443

1 **RICHARD BOSETTI**

2 A If she was bruised, I probably did. 6:19:52PM

3 **Q Do you recall one way or the other 6:19:56PM**

4 **whether you called rescue?**

5 A No. But if she was hurt, I did. 6:19:59PM

6 **Q Are you sure about that? 6:20:01PM**

7 MR. NOVIKOFF: Objection. 6:20:04PM

8 A Yeah, I'm just going by past 6:20:05PM

9 performances. If somebody is hurt, I'd call

10 rescue.

11 **Q You testified before about -- strike 6:20:12PM**

12 **that.**

13 **If you had called rescue, would you 6:20:16PM**

14 **have had to document that somewhere, that you**

15 **called rescue?**

16 A Yeah, probably. 6:20:24PM

17 **Q Where would that be documented? 6:20:25PM**

18 A In a field report. 6:20:27PM

19 **Q Did you fill out a field report for 6:20:35PM**

20 **that incident?**

21 A I don't recall. I may have let the 4 6:20:38PM

22 to 12 guys do it -- I mean the midnight guys.

23 **Q You testified before about you had 6:20:48PM**

24 **taken Elyse Miller out before heading upstate;**

25 **is that correct?**

Page 444

1 **RICHARD BOSETTI**

2 A Yes. 6:20:56PM

3 **Q Do you own a home upstate? 6:20:57PM**

4 A Yes, I do. 6:20:58PM

5 **Q Who else owns that? 6:20:59PM**

6 A Me and my brother. 6:21:04PM

7 **Q Any other owners of that house? 6:21:06PM**

8 A No. 6:21:08PM

9 **Q Have any current or former police 6:21:10PM**

10 **officers from Ocean Beach, other than for you**

11 **and your brother, been up to that house?**

12 A Two. 6:21:18PM

13 **Q Which ones? 6:21:19PM**

14 A Walter Moeller, and George came up 6:21:20PM

15 with his family.

16 **Q When did George come up with his 6:21:27PM**

17 **family -- strike that.**

18 **When you say George, you mean George 6:21:30PM**

19 **Hesse?**

20 A Yes. 6:21:33PM

21 **Q When did George Hesse come up to your 6:21:33PM**

22 **house with his family?**

23 A Winter before last. 6:21:37PM

24 **Q So the winter of '07 or winter of '08? 6:21:39PM**

25 A It might have been the winter of '08, 6:21:49PM

Page 445

1 RICHARD BOSETTI
2 I'm guessing.
3 **Q Were you up there with him and his 6:21:52PM**
4 **family?**
5 A Yes. 6:21:54PM
6 **Q Who else was there? 6:21:55PM**
7 A Me, my brother, Shannon, the two 6:21:57PM
8 little girls and George.
9 **Q When you say Shannon -- 6:22:03PM**
10 A Oh, and my son. My youngest son was 6:22:05PM
11 there and my brother's son was there, my nephew.
12 **Q When you say Shannon and the two 6:22:11PM**
13 **little girls, that's George's wife and his**
14 **daughters?**
15 A Yes. 6:22:17PM
16 **Q Other than that instance, has 6:22:18PM**
17 **Mr. Hesse ever been up to your house upstate?**
18 A He may have came up one other time. 6:22:25PM
19 **Q When was that? 6:22:30PM**
20 A You know what, I'm not sure. I know 6:22:31PM
21 Lonny came up. I know Walter came up twice..
22 George may have came up one other time.
23 **Q So Lonny's been up there also? 6:22:40PM**
24 A Yes. 6:22:42PM
25 **Q You didn't testify to him before. 6:22:42PM**

Page 446

1 RICHARD BOSETTI
2 A Lonny wasn't there the same time 6:22:45PM
3 George was there. Lonny came up another time
4 with Walter.
5 **Q So George came up there definitely 6:22:52PM**
6 **once, but maybe twice. Lonny came up there, and**
7 **Moeller came up there?**
8 A Yeah. 6:22:59PM
9 **Q How many times has Lonny been there? 6:23:00PM**
10 A Once. 6:23:02PM
11 **Q How many times has Moeller been there? 6:23:03PM**
12 A Moeller's been up once -- once in the 6:23:06PM
13 winter, and I think in the summertime we went to
14 Lake George on the motorcycles. So he would
15 meet us up there; from there, we'd go to lake
16 George.
17 **Q So twice? 6:23:23PM**
18 A And then once for Canada. 6:23:24PM
19 **Q So three times, Moeller's been up 6:23:26PM**
20 **there?**
21 A Yeah. 6:23:28PM
22 **Q Other than Lonny, Moeller, Hesse, you 6:23:29PM**
23 **and your brother, any other current or former**
24 **police officers in Ocean Beach been at your**
25 **house upstate?**

Page 447

1 RICHARD BOSETTI
2 A No. 6:23:38PM
3 **Q The time that Lonny and Moeller were 6:23:39PM**
4 **both there at the same time, who was there?**
5 A Me, Gary, Lonny, Walter, and I think 6:23:45PM
6 that was it.
7 **Q Do you recall what year that was? 6:23:54PM**
8 A No. The year before last maybe. 6:23:56PM
9 **Q Do you recall discussing with them who 6:23:59PM**
10 **the civil service rat was while you were guys**
11 **were up there?**
12 A No. 6:24:07PM
13 **Q You don't recall having a conversation 6:24:08PM**
14 **trying to figure out who the civil service rat**
15 **was?**
16 MR. NOVIKOFF: Objection. 6:24:13PM
17 A No. 6:24:14PM
18 **Q You don't recall Lonny saying that it 6:24:14PM**
19 **probably was Snyder because he's the intelligent**
20 **one of that group?**
21 A No. 6:24:21PM
22 **Q You testified before about statements 6:24:28PM**
23 **that Mr. Snyder had made that you allege were**
24 **antisemitic with respect to the senior cart; is**
25 **that correct?**

Page 448

1 RICHARD BOSETTI
2 A Yes. 6:24:43PM
3 **Q Who actually drove the senior cart? 6:24:46PM**
4 A Police officers drove it. Sometimes 6:24:50PM
5 the dock masters, the dock hands drove it, and
6 another time there was an older gentleman that
7 came in and volunteers his time.
8 **Q What was his name? 6:25:02PM**
9 A I don't know his name. 6:25:03PM
10 **Q Did you ever call him to come get the 6:25:05PM**
11 **cart and pick people up?**
12 A No, usually I took care of it myself. 6:25:09PM
13 **Q How many times did you drive the 6:25:11PM**
14 **senior cart?**
15 A Many, many times. 6:25:14PM
16 **Q Did you ever drive any civilians in 6:25:15PM**
17 **the cart other than for senior citizens?**
18 A Yeah. 6:25:20PM
19 **Q Was it to be used for other civilians 6:25:21PM**
20 **other than senior citizens?**
21 A Once again, no, but discretion. 6:25:27PM
22 **Q What do you mean by discretion? 6:25:29PM**
23 A See an old lady walking down the 6:25:30PM
24 street and she's struggling, you know, we'll ask
25 her if she wants a ride. I'll see a guy with

<p style="text-align: right;">Page 449</p> <p>1 RICHARD BOSETTI</p> <p>2 two, three young kids and they're dragging</p> <p>3 along, come kids, get in the cart; let me take</p> <p>4 you. Sure, it's a senior cart, but I'm there to</p> <p>5 help. I'm there to serve. I do what I can.</p> <p>6 And sometimes if there's a nice young lady, I</p> <p>7 throw her in the cart too and bring her where</p> <p>8 she wants to go, but that's it.</p> <p>9 MR. GOODSTADT: Mark that, please. 6:25:56PM</p> <p>10 (Whereupon, A photocopy of a 6:25:57PM</p> <p>11 photograph was marked as R. Bosetti Exhibit</p> <p>12 15 for identification, as of this date.)</p> <p>13 MR. GOODSTADT: I've placed in front 6:26:19PM</p> <p>14 of Mr. Bosetti what's been marked as R.</p> <p>15 Bosetti Exhibit 15. It is a one-page</p> <p>16 photograph, bearing a date on the bottom,</p> <p>17 2-9-09.</p> <p>18 A Yeah. 6:26:33PM</p> <p>19 Q Mr. Bosetti, do you recognize that 6:26:33PM</p> <p>20 cart? Is that the senior cart?</p> <p>21 A Yes, I do. 6:26:37PM</p> <p>22 Q Do you recall when this picture was 6:26:38PM</p> <p>23 taken?</p> <p>24 A No, I don't. 6:26:40PM</p> <p>25 Q Do you recall putting these four women 6:26:41PM</p>	<p style="text-align: right;">Page 451</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Where were you going with these women? 6:27:25PM</p> <p>3 A Not where I wanted to go, but probably 6:27:26PM</p> <p>4 into town.</p> <p>5 Q Probably where? 6:27:29PM</p> <p>6 A Into town. I'm sorry to be sarcastic. 6:27:30PM</p> <p>7 Probably into town..</p> <p>8 Q Was it appropriate to drive four women 6:27:38PM</p> <p>9 in the senior cart into town?</p> <p>10 A I think so. 6:27:43PM</p> <p>11 Q That was part of your being there to 6:27:44PM</p> <p>12 serve?</p> <p>13 A I saw young ladies walking after I 6:27:46PM</p> <p>14 used the cart. They said, can we have a ride?</p> <p>15 No, we're I'm not allowed to. You're going to</p> <p>16 have to walk yourself. Sure, jump in. I did it</p> <p>17 for kids. I did it for seniors.</p> <p>18 MR. GOODSTADT: I have nothing 6:28:01PM</p> <p>19 further.</p> <p>20 MR. NOVIKOFF: Okay. So then we will 6:28:02PM</p> <p>21 pick up with my examination tomorrow morning</p> <p>22 at 10?</p> <p>23 MR. CONNOLLY: 10 or 10:30? It's 6:28:09PM</p> <p>24 scheduled for 10.</p> <p>25 MR. NOVIKOFF: I would prefer 10. 6:28:13PM</p>
<p style="text-align: right;">Page 450</p> <p>1 RICHARD BOSETTI</p> <p>2 in the cart?</p> <p>3 A Yeah. I didn't force them. I didn't 6:26:44PM</p> <p>4 break their arms.. I was using the cart.</p> <p>5 Probably on the way back, they're walking.</p> <p>6 Could you give us a ride? We're going into</p> <p>7 town. Sure, jump in.</p> <p>8 Q And you let somebody else drive the 6:26:56PM</p> <p>9 cart?</p> <p>10 MR. NOVIKOFF: Note my objection to 6:26:59PM</p> <p>11 the foundation.</p> <p>12 A No, nobody drove this cart. 6:27:01PM</p> <p>13 Q The one on your lap holding the 6:27:02PM</p> <p>14 steering wheel is not driving?</p> <p>15 A What? 6:27:06PM</p> <p>16 Q The one on your lap holding the 6:27:07PM</p> <p>17 steering wheel is not driving?</p> <p>18 A For all I know, this might have been 6:27:09PM</p> <p>19 stopped. I don't see this thing moving.</p> <p>20 MR. NOVIKOFF: Yeah, I would think 6:27:13PM</p> <p>21 that, in light of the way the pictures was</p> <p>22 taken, if it was moving, that guy would've</p> <p>23 been run over.</p> <p>24 A I wouldn't let them hang out the cart 6:27:22PM</p> <p>25 like that.</p>	<p style="text-align: right;">Page 452</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. GOODSTADT: Let's go off the 6:28:15PM</p> <p>3 record.</p> <p>4 THE VIDEOGRAPHER: The time is 6:29. 6:28:17PM</p> <p>5 We're going off the record.</p> <p>6 (Time noted 6:29 p.m.) 6:28:20PM</p> <p>7 6:28:20PM</p> <p>8 RICHARD BOSETTI 6:28:20PM</p> <p>9 6:28:20PM</p> <p>10 Subscribed and sworn to before me 6:28:20PM</p> <p>11 this day of , 2008 6:28:20PM</p> <p>12 6:28:20PM</p> <p>13 6:28:20PM</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 453	Page 455
<p>1 PROCEEDINGS</p> <p>2 C E R T I F I C A T E 6:28:20PM</p> <p>3 6:28:20PM</p> <p>4 I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Publi 6:28:20PM</p> <p>5 and for the State of New York, do hereby certify:</p> <p>6 THAT the witness whose testimony is hereinbefo 6:28:20PM</p> <p>7 set forth, was duly sworn by me; and</p> <p>8 THAT the within transcript is a true record 6:28:20PM</p> <p>9 of the testimony given by said witness. I further 6:28:20PM</p> <p>10 certify that I am not related, either by blood or</p> <p>11 marriage, to any of the parties to this action; and</p> <p>12 THAT I am in no way interested in the outcome 6:28:20PM</p> <p>13 this matter.</p> <p>14 IN WITNESS WHEREOF, I have hereunto set 6:28:20PM</p> <p>15 my hand this 23rd day of February, 2009.. 6:28:20PM</p> <p>16 6:28:20PM</p> <p>17 _____ 6:28:20PM</p> <p>18 JUDI JOHNSON, RPR, CRR, CLR 6:28:20PM</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 ERRATA SHEET</p> <p>2 NAME OF CASE: CARTER V. OCEAN BEACH 6:28:20PM</p> <p>3 DATE OF DEPOSITION: February 10, 2009 6:28:20PM</p> <p>4 NAME OF WITNESS: RICHARD BOSETTI 6:28:20PM</p> <p>5 6:28:20PM</p> <p>6 Reason codes: 6:28:20PM</p> <p>7 1. To clarify the record. 6:28:20PM</p> <p>8 2. To conform to the facts 6:28:20PM</p> <p>9 3. To correct the transcription 6:28:20PM</p> <p>10 errors. 6:28:20PM</p> <p>11 Page _____ Line _____ Reason _____ 6:28:20PM</p> <p>12 From _____ to _____ 6:28:20PM</p> <p>13 Page _____ Line _____ Reason _____ 6:28:20PM</p> <p>14 From _____ to _____ 6:28:20PM</p> <p>15 Page _____ Line _____ Reason _____ 6:28:20PM</p> <p>16 From _____ to _____ 6:28:20PM</p> <p>17 Page _____ Line _____ Reason _____ 6:28:20PM</p> <p>18 From _____ to _____ 6:28:20PM</p> <p>19 Page _____ Line _____ Reason _____ 6:28:20PM</p> <p>20 From _____ to _____ 6:28:20PM</p> <p>21 Page _____ Line _____ Reason _____ 6:28:20PM</p> <p>22 From _____ to _____ 6:28:20PM</p> <p>23 6:28:20PM</p> <p>24 _____ 6:28:20PM</p> <p>25 RICHARD BOSETTI 6:28:20PM</p>
Page 454	
<p>1 PROCEEDINGS</p> <p>2 INDEX 6:28:20PM</p> <p>3 ATTORNEY PAGE 6:28:20PM</p> <p>4 Mr. Novikoff 6 6:28:20PM</p> <p>5 6:28:20PM</p> <p>6 6:28:20PM</p> <p>7 6:28:20PM</p> <p>8 INDEX OF R. BOSETTI EXHIBITS 6:28:20PM</p> <p>9 I.D. DESCRIPTION PAGE 6:28:20PM</p> <p>10 Exhibit 1 Subpoena 7 6:28:20PM</p> <p>11 Exhibit 2 Job Description 126 6:28:20PM</p> <p>12 Exhibit 3 Bates document 006087 156 6:28:20PM</p> <p>13 Exhibit 4 Bates document 8221-8240 163 6:28:20PM</p> <p>14 Exhibit 5 Bates document 05342 172 6:28:20PM</p> <p>15 Exhibit 6 Bates document 1-25 179 6:28:20PM</p> <p>16 Exhibit 7 Bates document 8183-8184 184 6:28:20PM</p> <p>17 Exhibit 8 A photocopy of a photograph 266 6:28:20PM</p> <p>18 Exhibit 9 Bates document 3187-3189 322 6:28:20PM</p> <p>19 Exhibit 10 Bates document 3200-3204 358 6:28:20PM</p> <p>20 Exhibit 11 Bates document 2662 395 6:28:20PM</p> <p>21 Exhibit 12 Bates document 4673 415 6:28:20PM</p> <p>22 Exhibit 13 Bates document 926-927 417 6:28:20PM</p> <p>23 Exhibit 14 Bates document P916 and P336 418 6:28:20PM</p> <p>24 Exhibit 15 A photocopy of a photograph 449 6:28:20PM</p> <p>25</p>	

114 (Pages 453 to 455)

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<p style="text-align: right;">Page 456</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK</p> <p>----- X EDWARD CARTER, FRANK FIORILO,) KEVIN LAMM, JOSEPH NOFI, and) THOMAS SNYDER,)) Plaintiffs,)) -against-)))) Index No. CV 07 1215</p> <p>INCORPORATED VILLAGE OF OCEAN) BEACH; MAYOR JOSEPH C.) LOEFFLER, JR., individually) and in his Official capacity;) former mayor NATALIE K. ROGERS,) individually and in her) official capacity, OCEAN BEACH) POLICE DEPARTMENT; ACTING) DEPUTY POLICE CHIEF GEORGE B.) HESSE, individually and in his) official capacity; SUFFOLK) COUNTY; SUFFOLK COUNTY POLICE) DEPARTMENT OF CIVIL SERVICE;) and ALLISON SANCHEZ,) individually and in her) official capacity,)) Defendants.) ----- X</p> <p style="text-align: center;">***VOLUME II***</p> <p style="text-align: center;">CONTINUED DEPOSITION OF RICHARD BOSETTI New York, New York February 11, 2009</p> <p>Reported by: Judi Johnson, RPR, CRR, CLR Job No.: 20818</p>	<p style="text-align: right;">Page 458</p> <p>1 RICHARD BOSETTI 2 APPEARANCES: 3 THOMPSON WIGDOR & GILLY, LLP 4 Attorneys for the Plaintiffs 5 85 Fifth Avenue 6 New York, New York 10003 7 8 BY: ARIEL GRAFF, ESQ. 9 10 MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C. 11 Attorneys for GEORGE B. HESSE 12 530 Saw Mill River Road 13 Elmsford, New York 10523 14 15 BY: KEVIN W. CONNOLLY, ESQ. 16 17 RIVKIN RADLER, LLP 18 19 Attorneys for INCORPORATED VILLAGE OF OCEAN BEACH, 20 JOSEPH LOEFFLER, NATALIE ROGERS AND OCEAN BEACH 21 POLICE DEPARTMENT 22 926 RexCorp Plaza 23 Uniondale, New York 11556-0926 24 25 BY: KENNETH A. NOVIKOFF, ESQ.</p>
<p style="text-align: right;">Page 457</p> <p>1 2 85 Fifth Avenue 3 New York, New York 4 5 February 11, 2009 6 10:30 A.M. 7 8 9 10 11 12 13 Deposition of RICHARD BOSETTI, held at 14 the offices of THOMPSON WIGDOR & GILLY, LLP, 15 85 Fifth Avenue, New York, New York, 16 pursuant to Notice, before Judi Johnson, a 17 Registered Professional Reporter, a 18 Certified Realtime Reporter, a Certified 19 LiveNote Reporter and Notary Public of the 20 State of New York. 21 22 23 24 25</p>	<p style="text-align: right;">Page 459</p> <p>1 RICHARD BOSETTI 2 3 4 BEE READY FISHBEIN HATTER & DONOVAN, LLP 5 6 Attorneys for SUFFOLK COUNTY 7 170 Old Country Road 8 Mineola, New York 11501 9 10 BY: KENNETH A. GRAY, ESQ. 11 12 REYNOLDS, CARONIA, GIANELLI, HAGNEY & 13 LA PINTA, LLP 14 Attorneys for the WITNESS 15 35 Arkay Drive 16 Hauppauge, New York 11788 17 18 BY: MICHAEL E. FEHRINGER, ESQ. 19 20 ALSO PRESENT: 21 FRANK FIORILLO 22 JOSH LIPSON - LEGAL VIDEO SPECIALIST 23 24 25</p>

<p style="text-align: right;">Page 460</p> <p>1 RICHARD BOSETTI</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by</p> <p>3 and between the attorneys for the respective</p> <p>4 parties herein, that filing and sealing and</p> <p>5 the same are hereby waived.</p> <p>6 IT IS FURTHER STIPULATED AND AGREED</p> <p>7 that all objections, except as to the form</p> <p>8 of the question, shall be reserved to the</p> <p>9 time of the trial.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the within deposition may be sworn to</p> <p>12 and signed before any officer authorized to</p> <p>13 administer an oath, with the same force and</p> <p>14 effect as if signed and sworn to before the</p> <p>15 Court.</p> <p>16</p> <p>17 - oOo -</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 462</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yes. 10:31:14AM</p> <p>3 Q I'm still here today in the same 10:31:15AM</p> <p>4 capacity.</p> <p>5 Let the record reflect that in 10:31:17AM</p> <p>6 addition to your counsel, counsel for</p> <p>7 plaintiffs, Mr. Gray, counsel for Mr. Hesse and</p> <p>8 Mr. Fiorillo, is present.</p> <p>9 Do you recognize Mr. Fiorillo? 10:31:26AM</p> <p>10 A Yes, I do. 10:31:28AM</p> <p>11 Q Is that, in fact, Mr. Fiorillo sitting 10:31:29AM</p> <p>12 here today?</p> <p>13 A Yes, it is. 10:31:31AM</p> <p>14 Q You didn't appear voluntarily 10:31:33AM</p> <p>15 yesterday, did you?</p> <p>16 A No. 10:31:36AM</p> <p>17 Q In fact, you were subpoenaed, correct? 10:31:37AM</p> <p>18 A Correct. 10:31:39AM</p> <p>19 Q And just before I ask you any further 10:31:39AM</p> <p>20 questions, this is being videotaped.</p> <p>21 You understand that, right? 10:31:44AM</p> <p>22 A Yes, I do. 10:31:45AM</p> <p>23 Q You also understand that if this 10:31:46AM</p> <p>24 matter ever gets to trial, some of your</p> <p>25 videotape may be shown, either by the</p>
<p style="text-align: right;">Page 461</p> <p>1 RICHARD BOSETTI</p> <p>2 RICHARD BOSETTI,</p> <p>3 Called as a witness herein, having</p> <p>4 first been duly sworn, was examined and</p> <p>5 testified as follows:</p> <p>6 BY THE REPORTER:</p> <p>7 Q Please state your name and address for</p> <p>8 the record.</p> <p>9 A Richard Bosetti, 344 Campus Road,</p> <p>10 Franklin Square, New York 11010.</p> <p>11 THE VIDEOGRAPHER: This is the start 10:30:46AM</p> <p>12 of Tape Number 1, Volume 2 of a continued</p> <p>13 deposition of Mr. Bosetti. Today's date is</p> <p>14 February 11th, 2009, at approximately</p> <p>15 10:31 a.m.</p> <p>16 We are back on the record. 10:30:58AM</p> <p>17 EXAMINATION 10:30:59AM</p> <p>18 BY MR. NOVIKOFF: 10:31:01AM</p> <p>19 Q Good morning, Mr. Bosetti. 10:31:03AM</p> <p>20 A Good morning. 10:31:04AM</p> <p>21 Q How are you? 10:31:05AM</p> <p>22 My name is Ken Novikoff. I was here 10:31:06AM</p> <p>23 yesterday. I'm defending the village</p> <p>24 defendants, except for Mr. Hesse.</p> <p>25 Do you recall that? 10:31:14AM</p>	<p style="text-align: right;">Page 463</p> <p>1 RICHARD BOSETTI</p> <p>2 plaintiffs' attorney, me or Mr. Hesse's</p> <p>3 attorney?</p> <p>4 A Correct.. 10:31:56AM</p> <p>5 Q You understand that, right? 10:31:56AM</p> <p>6 A Yes. 10:31:57AM</p> <p>7 Q So if I refer to the jury in some of 10:31:57AM</p> <p>8 my questions, you'll understand what I'm talking</p> <p>9 about, correct?</p> <p>10 A Okay, sure. 10:32:03AM</p> <p>11 Q Great. Now, again, you were 10:32:04AM</p> <p>12 subpoenaed, right?</p> <p>13 A Yes. 10:32:07AM</p> <p>14 Q Plaintiffs' counsel subpoenaed you, 10:32:07AM</p> <p>15 correct?</p> <p>16 A Yes. 10:32:09AM</p> <p>17 Q You had never spoken to me before 10:32:11AM</p> <p>18 yesterday, right?</p> <p>19 A No. 10:32:14AM</p> <p>20 Q In fact, you never saw me before 10:32:15AM</p> <p>21 yesterday?</p> <p>22 A Correct. 10:32:17AM</p> <p>23 Q You never spoke to anyone from my 10:32:17AM</p> <p>24 office, correct?</p> <p>25 A Correct. 10:32:20AM</p>

2 (Pages 460 to 463)

<p style="text-align: right;">Page 464</p> <p>1 RICHARD BOSETTI</p> <p>2 Q And in fact, other than perhaps little 10:32:21AM</p> <p>3 interchanges during breaks, you and I haven't</p> <p>4 spoken substantively about this case at all,</p> <p>5 correct?</p> <p>6 A Not at all. 10:32:31AM</p> <p>7 Q And the same thing goes for 10:32:31AM</p> <p>8 Mr. Connolly. You didn't speak to Mr. Connolly</p> <p>9 before yesterday's deposition?</p> <p>10 A No. 10:32:35AM</p> <p>11 Q And, in fact, had you bumped into him 10:32:36AM</p> <p>12 in the street at 9:00 tomorrow morning, you</p> <p>13 would have no idea who he was, correct?</p> <p>14 A Correct. 10:32:43AM</p> <p>15 Q Same thing with Mr. Jemal that was 10:32:44AM</p> <p>16 here yesterday? Do you remember Mr.. Jemal came</p> <p>17 in at the end?</p> <p>18 A Yes. 10:32:47AM</p> <p>19 Q The same thing with the older-looking 10:32:47AM</p> <p>20 gentleman during the morning?</p> <p>21 A Yes. 10:32:50AM</p> <p>22 Q Mr. Fishbein, you didn't know who he 10:32:51AM</p> <p>23 was, did you?</p> <p>24 A No. 10:32:53AM</p> <p>25 Q Same thing with Mr. Gray, who is here 10:32:53AM</p>	<p style="text-align: right;">Page 466</p> <p>1 RICHARD BOSETTI</p> <p>2 Police Department, correct?</p> <p>3 A Correct. 10:33:43AM</p> <p>4 Q Prior to that, what was your 10:33:43AM</p> <p>5 employment history?</p> <p>6 A I was a mechanic for the New York City 10:33:45AM</p> <p>7 Transit Authority.</p> <p>8 Q Okay. And for how long were you a 10:33:49AM</p> <p>9 mechanic?</p> <p>10 A Seven years. 10:33:51AM</p> <p>11 Q And then you decided to go become a 10:33:52AM</p> <p>12 police officer, right?</p> <p>13 A Yes, I did. 10:33:56AM</p> <p>14 Q Why? 10:33:57AM</p> <p>15 A Because I got tired of getting dirty, 10:33:58AM</p> <p>16 doing the same old job every day, and I wanted</p> <p>17 some adventure, helping people, doing my part.</p> <p>18 Q When you say helping people, what do 10:34:12AM</p> <p>19 you mean? Why did you want to be a police</p> <p>20 officer?</p> <p>21 A To carry out my -- to carry out police 10:34:16AM</p> <p>22 duties, of course. To answer calls for people</p> <p>23 in distress. To answer calls where police</p> <p>24 officers are needed in various robberies,</p> <p>25 hostage situation. That's why I went into the</p>
<p style="text-align: right;">Page 465</p> <p>1 RICHARD BOSETTI</p> <p>2 today?</p> <p>3 A Yes. 10:32:56AM</p> <p>4 Q Do you know Mr. Gray? 10:32:57AM</p> <p>5 A No. Well -- 10:32:57AM</p> <p>6 Q How do you know Mr. Gray? 10:32:59AM</p> <p>7 A You mean -- 10:32:59AM</p> <p>8 Q Ken Gray. 10:33:00AM</p> <p>9 A Yeah, Kenny, yeah. 10:33:01AM</p> <p>10 Q How do you know him? 10:33:02AM</p> <p>11 A From the village. 10:33:02AM</p> <p>12 Q Okay. But did you speak to Mr. Gray 10:33:03AM</p> <p>13 prior to this deposition concerning your</p> <p>14 deposition?</p> <p>15 A No. 10:33:08AM</p> <p>16 Q Now, Mr. Goodstadt, plaintiffs' 10:33:14AM</p> <p>17 counsel yesterday, asked you about six hours</p> <p>18 worth of questions. Hopefully, I won't be</p> <p>19 asking you as many questions or at least keep</p> <p>20 you as long. But I'm going to go over some of</p> <p>21 the things that he touched upon yesterday.</p> <p>22 He brought up the fact that you were a 10:33:33AM</p> <p>23 police officer for 20 years; is that correct?</p> <p>24 A Correct. 10:33:40AM</p> <p>25 Q And that was for the New York City 10:33:40AM</p>	<p style="text-align: right;">Page 467</p> <p>1 RICHARD BOSETTI</p> <p>2 emergency service unit, which was a SWAT team.</p> <p>3 Q And can you tell for the jury what is 10:34:38AM</p> <p>4 a SWAT team, for those who may not may not have</p> <p>5 seen TV or know about a SWAT team?</p> <p>6 A The New York City Police Department 10:34:49AM</p> <p>7 ESU unit is a rescue unit. It's also like an</p> <p>8 EMT unit. It's also heavy weapons, dignitary</p> <p>9 protection. I guarded all the presidents; I</p> <p>10 rode in all their motorcades. I was with Fidel</p> <p>11 Castro for a week. I was with Nettenyahu, Ariel</p> <p>12 Sharron, Perez from Israel and various other</p> <p>13 dignitaries.</p> <p>14 Q How was it that you came to be on such 10:35:15AM</p> <p>15 an important role with the New York City Police</p> <p>16 Department?</p> <p>17 MR. GRAFF: Objection. 10:35:22AM</p> <p>18 A I had a -- 10:35:22AM</p> <p>19 MR. NOVIKOFF: I'm sorry. What was 10:35:23AM</p> <p>20 the basis of your objection?</p> <p>21 MR. GRAFF: Just objection to the form 10:35:26AM</p> <p>22 of the question.</p> <p>23 MR. NOVIKOFF: What was wrong with the 10:35:29AM</p> <p>24 form? I'd like to correct it.</p> <p>25 Take your time. 10:35:31AM</p>

<p style="text-align: right;">Page 468</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. GRAFF: Can you read back the 10:35:39AM</p> <p>3 question once more.</p> <p>4 (Whereupon, the requested portion was 10:35:41AM</p> <p>5 read back by the court reporter: How was it</p> <p>6 that you came to be on such an important</p> <p>7 role with the New York City Police</p> <p>8 Department?)</p> <p>9 MR. NOVIKOFF: And there was an 10:35:51AM</p> <p>10 objection, so I'm trying to --</p> <p>11 MR. GRAFF: Foundation that he knows 10:35:54AM</p> <p>12 how he was assigned and characterization of</p> <p>13 the role as important.</p> <p>14 MR. NOVIKOFF: So you're suggesting 10:35:57AM</p> <p>15 that Mr. Bosetti does not know how he -- why</p> <p>16 he was assigned to this role?</p> <p>17 MR. GRAFF: Why he was assigned to the 10:36:04AM</p> <p>18 important role.</p> <p>19 MR. NOVIKOFF: Okay. I'll fix it. 10:36:06AM</p> <p>20 BY MR. NOVIKOFF: 10:36:07AM</p> <p>21 Q Would you characterize your role -- 10:36:08AM</p> <p>22 your position on the SWAT team as an important</p> <p>23 role?</p> <p>24 A Extremely. 10:36:15AM</p> <p>25 Q Okay. 10:36:16AM</p>	<p style="text-align: right;">Page 470</p> <p>1 RICHARD BOSETTI</p> <p>2 had to pass a psychological. You had to have a</p> <p>3 decent amount of mechanical ability. You had to</p> <p>4 have a good want to help people. You had to be</p> <p>5 able to work by yourself, because in many</p> <p>6 situations there were no supervisors. So you</p> <p>7 had to make your own decisions.</p> <p>8 Q Now, when did you apply for the SWAT 10:37:48AM</p> <p>9 team?</p> <p>10 A I think it was about 19- -- you had to 10:37:51AM</p> <p>11 have at least five years on the job. I probably</p> <p>12 applied for it maybe my third or fourth year.</p> <p>13 Q Okay. And for how long were you on 10:38:00AM</p> <p>14 the SWAT team?</p> <p>15 A From 1987 until retirement. 10:38:02AM</p> <p>16 Q So that was about 15 years, correct? 10:38:06AM</p> <p>17 A Yes, sir. 10:38:09AM</p> <p>18 Q Okay. And in your opinion, is working 10:38:09AM</p> <p>19 on the SWAT team more dangerous than just being</p> <p>20 a, quote/unquote, regular police officer?</p> <p>21 A In some ways, yes. In some ways, no. 10:38:19AM</p> <p>22 We're trained for special operations. We're</p> <p>23 trained in special rescue. If a regular cop</p> <p>24 were to do it, I would say it would be more</p> <p>25 dangerous for him; but if you're trained in it,</p>
<p style="text-align: right;">Page 469</p> <p>1 RICHARD BOSETTI</p> <p>2 A Like I said, we handled every 10:36:16AM</p> <p>3 situation. If the police couldn't handle it, we</p> <p>4 handled it. We worked with Secret Service. We</p> <p>5 removed people from highrise buildings. We were</p> <p>6 trained in rope rescue. Removed numerous people</p> <p>7 off the Brooklyn Bridge. Responded to the first</p> <p>8 World Trade Center, responded to the second</p> <p>9 World Trade Center. I'm still suffering from a</p> <p>10 cough from that.</p> <p>11 It was -- like I said yesterday, I was 10:36:40AM</p> <p>12 in a heated gun battle that lasted me</p> <p>13 45 minutes. My partner went down, I was shot.</p> <p>14 After I went to the hospital, the gunfight went</p> <p>15 on until approximately 12:00 at night, when the</p> <p>16 perpetrator, Sabastian Spiela, surrendered.</p> <p>17 Q Okay. And I'm going to get to some of 10:37:03AM</p> <p>18 that, and I thank you for that.</p> <p>19 Did you have to apply to be on the 10:37:07AM</p> <p>20 SWAT team?</p> <p>21 A Yes. 10:37:10AM</p> <p>22 Q Can you describe the application 10:37:11AM</p> <p>23 process?</p> <p>24 A You had to be in good standing. You 10:37:15AM</p> <p>25 couldn't have any, any civilian complaints. You</p>	<p style="text-align: right;">Page 471</p> <p>1 RICHARD BOSETTI</p> <p>2 you do it. If there's a hostage situation, then</p> <p>3 we would take over at the door, then it would be</p> <p>4 more dangerous for us than it is for them.</p> <p>5 Q Does everyone, in your experience, who 10:38:42AM</p> <p>6 applies for the SWAT team get on the SWAT team?</p> <p>7 A No. 10:38:47AM</p> <p>8 Q Okay. 10:38:48AM</p> <p>9 A Very hard to get on it. 10:38:49AM</p> <p>10 Q What do you mean, it's very hard to 10:38:50AM</p> <p>11 get on?</p> <p>12 A They didn't take just anybody. You 10:38:55AM</p> <p>13 had to have specialties, and they have to see</p> <p>14 that you really wanted that job.</p> <p>15 Q And you said you had to be in good 10:39:03AM</p> <p>16 standing. What do you mean by that?</p> <p>17 A No civilian complaints. Your summons 10:39:08AM</p> <p>18 quotas, if there were quotas, you had to be, you</p> <p>19 know, at least par with that. You couldn't have</p> <p>20 any reprimands with the bosses. I'm sure</p> <p>21 there's more; I just can't think of it right</p> <p>22 now.</p> <p>23 Q What did you mean by summons quotas? 10:39:27AM</p> <p>24 A Well, there expect some activity. 10:39:30AM</p> <p>25 There was no actual number on it. But they do</p>

<p style="text-align: right;">Page 472</p> <p>1 RICHARD BOSETTI</p> <p>2 expect if you're a police officer and you work</p> <p>3 in such a population, if you don't give any</p> <p>4 summonses, it means that you're not seeing</p> <p>5 anything.</p> <p>6 Q When you're saying the population, 10:39:43AM</p> <p>7 you're referring to the area in which you</p> <p>8 worked?</p> <p>9 A Right. New York City. 10:39:48AM</p> <p>10 Q Right. And the area which you worked, 10:39:50AM</p> <p>11 I think you said was Brownsville.</p> <p>12 A Brownsville, East New York, Bed Sty. 10:39:53AM</p> <p>13 Q Okay. So you were part of the SWAT 10:39:55AM</p> <p>14 team for that particular area?</p> <p>15 A I was part of SWAT team for all of New 10:39:58AM</p> <p>16 York City. I was just based out of --</p> <p>17 Q Got it? 10:40:03AM</p> <p>18 A -- that particular area.. 10:40:04AM</p> <p>19 Q Got it. And so if I understand your 10:40:05AM</p> <p>20 testimony correctly, you, at least for the</p> <p>21 aspect of the SWAT team application regarding</p> <p>22 summonses, your superiors found that you had</p> <p>23 issued an appropriate amount of summonses?</p> <p>24 A Correct. 10:40:22AM</p> <p>25 Q Okay. And no civilian complaints? 10:40:24AM</p>	<p style="text-align: right;">Page 474</p> <p>1 RICHARD BOSETTI</p> <p>2 made a complaint that I told her to go take a</p> <p>3 pill.</p> <p>4 Q And you view that as minor? 10:41:34AM</p> <p>5 A That's minor. I don't even think it's 10:41:36AM</p> <p>6 on the record, but I think that's the most.</p> <p>7 Q Right. And obviously, during the 10:41:40AM</p> <p>8 application process, you weren't told by any of</p> <p>9 your superiors that there was any civilian</p> <p>10 complaints --</p> <p>11 A No. 10:41:47AM</p> <p>12 Q -- that would've prevented you from 10:41:47AM</p> <p>13 becoming a SWAT team member?</p> <p>14 A No, not at all. 10:41:51AM</p> <p>15 Q And during the 15 years that you were 10:41:52AM</p> <p>16 a SWAT team member, I presume you also couldn't</p> <p>17 have any more civil complaints?</p> <p>18 A No. 10:41:58AM</p> <p>19 MR. GRAFF: Objection. 10:41:59AM</p> <p>20 MR. NOVIKOFF: What's the basis? 10:41:59AM</p> <p>21 MR. GRAFF: It's a presumption, not a 10:42:01AM</p> <p>22 question.</p> <p>23 MR. NOVIKOFF: What's the presumption? 10:42:03AM</p> <p>24 MR. GRAFF: The statement which you 10:42:04AM</p> <p>25 presumed in the question.</p>
<p style="text-align: right;">Page 473</p> <p>1 RICHARD BOSETTI</p> <p>2 A No civilian complaints. 10:40:27AM</p> <p>3 Q What does that mean? 10:40:29AM</p> <p>4 A In other words, if I was abusing 10:40:30AM</p> <p>5 anyone or talking negatively to anyone and they</p> <p>6 made a complaint to the desk officer, the desk</p> <p>7 officer would have to turn that over to internal</p> <p>8 affairs, where they would investigate how the</p> <p>9 matter was handled and exactly what I said.</p> <p>10 Q And for the first five years, you 10:40:49AM</p> <p>11 didn't have any civilian complaints, to your</p> <p>12 knowledge?</p> <p>13 A No. No. If there was anything, it 10:40:53AM</p> <p>14 was so, so minute that -- could I give you an</p> <p>15 example?</p> <p>16 Q Sure. 10:41:01AM</p> <p>17 A Okay. Got called to the house -- got 10:41:03AM</p> <p>18 called to a house in East New York where a</p> <p>19 lady's front stoop and door was egged. So I go</p> <p>20 into the house, and she was, like, had a heart</p> <p>21 condition. She goes, I got a heart condition, I</p> <p>22 can't take this anymore. I can't take this</p> <p>23 anymore. I said Miss, I said, before you do</p> <p>24 anything, did you take your pills? Take your</p> <p>25 pills, okay? So when it was all over, when she</p>	<p style="text-align: right;">Page 475</p> <p>1 RICHARD BOSETTI</p> <p>2 BY MR. NOVIKOFF: 10:42:07AM</p> <p>3 Q Well then, let me ask you this: 10:42:07AM</p> <p>4 During your 15 years, were you ever advised by</p> <p>5 your superiors about any other civil complaints?</p> <p>6 A No. 10:42:13AM</p> <p>7 Q Okay. Did you retire in good standing 10:42:14AM</p> <p>8 with the police department?</p> <p>9 A Absolutely. 10:42:29AM</p> <p>10 Q Do you have full pension? 10:42:29AM</p> <p>11 A Yes. 10:42:30AM</p> <p>12 Q Okay. Were you ever brought up on 10:42:31AM</p> <p>13 charges?</p> <p>14 MR. GRAFF: Objection. 10:42:36AM</p> <p>15 A No. 10:42:37AM</p> <p>16 MR. NOVIKOFF: What was that? 10:42:37AM</p> <p>17 MR. GRAFF: Objection. Ambiguous. 10:42:40AM</p> <p>18 MR. NOVIKOFF: Were you ever brought 10:42:42AM</p> <p>19 up on charges.</p> <p>20 BY MR. NOVIKOFF: 10:42:44AM</p> <p>21 Q Did you understand what I was asking, 10:42:44AM</p> <p>22 sir?</p> <p>23 A Of course. 10:42:46AM</p> <p>24 Q Since plaintiffs' counsel seemed not 10:42:50AM</p> <p>25 to, let me perhaps try to make it more clear.</p>

<p style="text-align: right;">Page 476</p> <p>1 RICHARD BOSETTI</p> <p>2 Were you ever brought up on any 10:42:56AM</p> <p>3 charges by the New York City Police Department?</p> <p>4 A Never. 10:43:03AM</p> <p>5 Q Now, you were based out of 10:43:16AM</p> <p>6 Brownsville, correct?</p> <p>7 A Yeah, my first couple of years out of 10:43:19AM</p> <p>8 Brownsville; and then when I went into emergency</p> <p>9 service, I was based in Williamsburg.</p> <p>10 Q Okay. Well, describe Brownsville at 10:43:26AM</p> <p>11 the time that you were based out of one of those</p> <p>12 precincts.</p> <p>13 A Well, Brownsville, of course, was the 10:43:33AM</p> <p>14 French connection precinct, Popeye Doyle,</p> <p>15 Williamsburg was Serpico, and it was very high</p> <p>16 crime. Almost every day working as a patrolman,</p> <p>17 I would say, on the average, on a weekly</p> <p>18 average, I'd pull my gun six times.</p> <p>19 Q Okay. Were you ever written up for 10:43:52AM</p> <p>20 pulling your gun improperly?</p> <p>21 A No, never. 10:43:56AM</p> <p>22 Q When you say high crime, can you 10:43:56AM</p> <p>23 describe the types of crimes that you witnessed</p> <p>24 on a daily or weekly basis while in Brownsville</p> <p>25 and then in Williamsburg?</p>	<p style="text-align: right;">Page 478</p> <p>1 RICHARD BOSETTI</p> <p>2 patrol officer and as a member of the SWAT team</p> <p>3 in Brownsville and in Williamsburg, you</p> <p>4 personally witnessed in your 20 years every</p> <p>5 possible evil that a human being could</p> <p>6 perpetrate on another human being?</p> <p>7 MR. GRAFF: Objection. 10:45:03AM</p> <p>8 A I don't think there are any other 10:45:04AM</p> <p>9 evils that I saw.</p> <p>10 Q Right. 10:45:06AM</p> <p>11 A Right. 10:45:07AM</p> <p>12 Q So you saw the worst of the worst? 10:45:07AM</p> <p>13 A I saw it all. 10:45:10AM</p> <p>14 Q The worst of the worst? 10:45:10AM</p> <p>15 MR. GRAFF: Objection. 10:45:13AM</p> <p>16 MR. NOVIKOFF: What was the objection? 10:45:13AM</p> <p>17 MR. GRAFF: It's an ambiguous 10:45:15AM</p> <p>18 question.</p> <p>19 BY MR. NOVIKOFF: 10:45:16AM</p> <p>20 Q Do you understand what the worst of 10:45:17AM</p> <p>21 the worst means?</p> <p>22 A Yes. 10:45:19AM</p> <p>23 Q Tell me what you think the worst of 10:45:20AM</p> <p>24 the worst means.</p> <p>25 A Worst of the worst? 10:45:24AM</p>
<p style="text-align: right;">Page 477</p> <p>1 RICHARD BOSETTI</p> <p>2 A From violations to arsons to murder. 10:44:08AM</p> <p>3 Q Rapes? 10:44:11AM</p> <p>4 A Rapes, of course. That was a common 10:44:12AM</p> <p>5 thing.</p> <p>6 Q Assaults? 10:44:15AM</p> <p>7 A Of course. 10:44:15AM</p> <p>8 Q Assaults with bats? 10:44:16AM</p> <p>9 A Yes. Assault with guns, assault with 10:44:18AM</p> <p>10 knives, assault with machetes, assault with</p> <p>11 acid.</p> <p>12 Q Acid? 10:44:27AM</p> <p>13 A Acid, yes. 10:44:28AM</p> <p>14 Q Burglaries? 10:44:29AM</p> <p>15 A Many. 10:44:30AM</p> <p>16 Q Robberies? 10:44:31AM</p> <p>17 A Many. 10:44:32AM</p> <p>18 Q With guns? 10:44:32AM</p> <p>19 A Of course. 10:44:33AM</p> <p>20 Q Suicides? 10:44:35AM</p> <p>21 A Plenty. 10:44:37AM</p> <p>22 Q Attempted suicides? 10:44:38AM</p> <p>23 A Attempted suicides, yeah. Well, 10:44:39AM</p> <p>24 that's how we take people down off the bridges..</p> <p>25 Q So would it be fair to say that as a 10:44:44AM</p>	<p style="text-align: right;">Page 479</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Yeah. 10:45:26AM</p> <p>3 A Like an example? 10:45:26AM</p> <p>4 Q Yeah. 10:45:28AM</p> <p>5 A Like a young boy getting assaulted by 10:45:28AM</p> <p>6 his next-door neighbor and he was penetrated,</p> <p>7 and the neighbor -- and at court -- while I was</p> <p>8 taking my report, I said this young man, your</p> <p>9 son, just penetrated this little boy, and the</p> <p>10 mother goes, so what, he kicked my dog. Okay?</p> <p>11 Q You retired? 10:45:56AM</p> <p>12 A Yes. 10:45:57AM</p> <p>13 Q And then you went to work part-time 10:45:59AM</p> <p>14 for Ocean Beach?</p> <p>15 A Yes. 10:46:04AM</p> <p>16 Q Now, Ocean Beach is a seasonal 10:46:05AM</p> <p>17 community, correct?</p> <p>18 A Yes, it is. 10:46:10AM</p> <p>19 Q And I think in response to 10:46:11AM</p> <p>20 Mr. Goodstadt's question, you said you believe</p> <p>21 the season was sometime around Memorial Day to</p> <p>22 sometime around Labor Day, correct?</p> <p>23 A Correct. 10:46:22AM</p> <p>24 Q Was, in your opinion, Ocean Beach 10:46:23AM</p> <p>25 similar to Brownsville?</p>

<p style="text-align: right;">Page 480</p> <p>1 RICHARD BOSETTI</p> <p>2 A No. 10:46:26AM</p> <p>3 Q In your opinion, was Ocean Beach 10:46:26AM</p> <p>4 similar to Williamsburg?</p> <p>5 MR. GRAFF: Objection. 10:46:31AM</p> <p>6 A No. 10:46:32AM</p> <p>7 MR. NOVIKOFF: What's your objection? 10:46:33AM</p> <p>8 MR. GRAFF: It's a vague question. 10:46:34AM</p> <p>9 Similar in what respect?</p> <p>10 THE REPORTER: Can you speak louder? 10:46:37AM</p> <p>11 I can barely hear you.</p> <p>12 MR. GRAFF: I'm sorry. I didn't want 10:46:37AM</p> <p>13 to be disruptive to Mr. Novikoff.</p> <p>14 MR. NOVIKOFF: You objected. You can 10:46:48AM</p> <p>15 raise your voice. That's fine. It's not</p> <p>16 disruptive..</p> <p>17 THE WITNESS: Yeah, I did yesterday. 10:46:49AM</p> <p>18 BY MR. NOVIKOFF: 10:46:50AM</p> <p>19 Q It's okay, Mr. Bosetti. 10:46:50AM</p> <p>20 Do you understand what I meant by 10:46:53AM</p> <p>21 similar?</p> <p>22 A Yes, I do. 10:46:54AM</p> <p>23 Q How many people, on average, unless 10:46:56AM</p> <p>24 you don't know, were in Ocean Beach during the</p> <p>25 season?</p>	<p style="text-align: right;">Page 482</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yeah, right. 10:48:00AM</p> <p>3 Q Were you ever called to a murder scene 10:48:01AM</p> <p>4 while you worked at Ocean Beach?</p> <p>5 A No. 10:48:07AM</p> <p>6 Q Were you ever called for an attempted 10:48:07AM</p> <p>7 murder at -- while you were at Ocean Beach?</p> <p>8 A No. 10:48:14AM</p> <p>9 Q Were you ever called for a robbery 10:48:15AM</p> <p>10 with a gun while you were at Ocean Beach?</p> <p>11 A No. 10:48:20AM</p> <p>12 Q Were you ever called for a child 10:48:21AM</p> <p>13 molestation case while you were at Ocean Beach?</p> <p>14 A No. 10:48:27AM</p> <p>15 Q What's the most serious crime you can 10:48:29AM</p> <p>16 think of that you were called to attend while</p> <p>17 you were at Ocean Beach?</p> <p>18 A Assault on the weekends in the bars, 10:48:41AM</p> <p>19 but that's everywhere.</p> <p>20 Q I understand that may be everywhere. 10:48:46AM</p> <p>21 A Yeah. 10:48:48AM</p> <p>22 Q I just want to -- so the jury has a 10:48:49AM</p> <p>23 clear idea of what was going on in Ocean</p> <p>24 Beach --</p> <p>25 A Correct. 10:48:54AM</p>
<p style="text-align: right;">Page 481</p> <p>1 RICHARD BOSETTI</p> <p>2 MR. GRAFF: Objection. 10:47:04AM</p> <p>3 A Thousands. 10:47:06AM</p> <p>4 Q Okay. How many people were in your 10:47:07AM</p> <p>5 precinct, either in Brownsville or Williamsburg?</p> <p>6 MR. GRAFF: Objection. 10:47:13AM</p> <p>7 A Thousands and thousands and thousands 10:47:13AM</p> <p>8 and thousands.</p> <p>9 Q A multiple of thousands, correct? 10:47:16AM</p> <p>10 A Yes. 10:47:19AM</p> <p>11 Q Did you ever get calls for a rape 10:47:20AM</p> <p>12 while you worked in Ocean Beach?</p> <p>13 A Yeah, a date rape kind of a thing 10:47:29AM</p> <p>14 maybe.</p> <p>15 Q Can you explain what you mean? 10:47:32AM</p> <p>16 A I don't recall the instant all the 10:47:34AM</p> <p>17 way, but, you know, people would come in and --</p> <p>18 oh, okay. We have a masseuse there. Young lady</p> <p>19 went in to the masseuse, then she came into the</p> <p>20 precinct crying that the masseuse touched her</p> <p>21 inappropriately.</p> <p>22 Q Okay. Now, that wouldn't be rape, 10:47:54AM</p> <p>23 would it?</p> <p>24 A No, but it was -- 10:47:56AM</p> <p>25 Q It was something, but it wasn't rape? 10:47:58AM</p>	<p style="text-align: right;">Page 483</p> <p>1 RICHARD BOSETTI</p> <p>2 Q -- as compared to Brownsville and 10:48:54AM</p> <p>3 Williamsburg.</p> <p>4 A Right. 10:48:58AM</p> <p>5 Q The most serious crime you were ever 10:48:58AM</p> <p>6 called for was -- while you were an officer at</p> <p>7 Ocean Beach, was a bar fight?</p> <p>8 MR. GRAFF: Objection. 10:49:04AM</p> <p>9 A Bar fight, burglary sometimes in the 10:49:05AM</p> <p>10 bungalows.</p> <p>11 Q Okay. But not a burglary with a 10:49:09AM</p> <p>12 weapon?</p> <p>13 A No. Right. 10:49:12AM</p> <p>14 Q Just a complaint that somebody robbed 10:49:13AM</p> <p>15 a house?</p> <p>16 A Right. 10:49:15AM</p> <p>17 Q And how many times were you called for 10:49:16AM</p> <p>18 something like that?</p> <p>19 MR. GRAFF: Objection. 10:49:18AM</p> <p>20 A I was called for something like that, 10:49:19AM</p> <p>21 for bungalows it was a good amount of time,</p> <p>22 because a lot of the bungalows were empty.</p> <p>23 They're seasonal.</p> <p>24 Q Okay. 10:49:35AM</p> <p>25 A Some people go, see a broken window, 10:49:36AM</p>

Page 484	Page 486
<p>1 RICHARD BOSETTI</p> <p>2 all of that.</p> <p>3 Q All right. Now, you obviously were a 10:49:39AM</p> <p>4 police officer. Your brother Gary was a police</p> <p>5 officer, correct?</p> <p>6 A Yes. 10:49:46AM</p> <p>7 Q For how long was Gary a police 10:49:47AM</p> <p>8 officer?</p> <p>9 A Same amount of time. 10:49:49AM</p> <p>10 Q New York City? 10:49:51AM</p> <p>11 A Yes. 10:49:52AM</p> <p>12 Q Now, you started in Ocean Beach in 10:49:52AM</p> <p>13 2002, correct?</p> <p>14 A Yes. 10:49:55AM</p> <p>15 Q And you ended in 2008 or 2007? 10:49:55AM</p> <p>16 A 2007. 10:50:00AM</p> <p>17 Q Okay. When you first started at Ocean 10:50:01AM</p> <p>18 Beach, other than you and your brother, were</p> <p>19 there any other former New York City police</p> <p>20 officers working on the Ocean Beach Police</p> <p>21 Department?</p> <p>22 A No, sir. Me and my brother were the 10:50:15AM</p> <p>23 first.</p> <p>24 Q How about former Nassau County Police 10:50:17AM</p> <p>25 Department?</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q And how about any former Suffolk 10:51:17AM</p> <p>3 County Police Department police officers?</p> <p>4 MR. GRAFF: Objection. 10:51:26AM</p> <p>5 BY MR. NOVIKOFF: 10:51:29AM</p> <p>6 Q Again, after you first came? 10:51:29AM</p> <p>7 A Dispatcher. 10:51:29AM</p> <p>8 MR. GRAFF: Objection. 10:51:29AM</p> <p>9 BY MR. NOVIKOFF: 10:51:29AM</p> <p>10 Q So if I understand your testimony 10:51:30AM</p> <p>11 correctly, when you came, you and your brother</p> <p>12 were, to your understanding, the first real</p> <p>13 former police officers either from the city or</p> <p>14 the counties that were working for the Ocean</p> <p>15 Beach Police Department, correct?</p> <p>16 A Yes, we were. 10:51:48AM</p> <p>17 Q And after you came, more former city 10:51:49AM</p> <p>18 police officers or Suffolk or Nassau County</p> <p>19 police officers came on to the Ocean Beach</p> <p>20 Police Department, right?</p> <p>21 A Yes, they did. 10:52:00AM</p> <p>22 Q Frank Fiorillo, he wasn't a New York 10:52:02AM</p> <p>23 City Police Department former officer, was he?</p> <p>24 MR. GRAFF: Objection. 10:52:19AM</p> <p>25 A No, he wasn't. 10:52:22AM</p>
Page 485	Page 487
<p>1 RICHARD BOSETTI</p> <p>2 A There may have been. 10:50:20AM</p> <p>3 Q How about Suffolk County Police 10:50:21AM</p> <p>4 Department?</p> <p>5 A May have been. 10:50:23AM</p> <p>6 Q Okay. After you, were there any other 10:50:24AM</p> <p>7 former New York City Police Department officers</p> <p>8 that worked for the Ocean Beach Police</p> <p>9 Department, to your knowledge?</p> <p>10 A Yes. 10:50:33AM</p> <p>11 Q And who would that be? 10:50:33AM</p> <p>12 A That would be Dominico, Sergeant 10:50:34AM</p> <p>13 Richie. I forgot his last name. Hardman.</p> <p>14 Billy -- he's also one of the defendants that</p> <p>15 got locked up and then released because they</p> <p>16 didn't have enough evidence. He only did one</p> <p>17 night there, and then they decided to release</p> <p>18 him.</p> <p>19 Q Okay. How about any former Nassau 10:51:01AM</p> <p>20 County Police Department, Nassau County police</p> <p>21 officers?</p> <p>22 A Yeah, Cherry was there as a police 10:51:08AM</p> <p>23 officer.</p> <p>24 MR. GRAFF: Objection. 10:51:11AM</p> <p>25 A Now he's a dispatcher. 10:51:12AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q He didn't work for Suffolk or Nassau 10:52:24AM</p> <p>3 County Police Department, right?</p> <p>4 MR. GRAFF: Objection. 10:52:28AM</p> <p>5 A He was an auxiliary.. 10:52:29AM</p> <p>6 Q What's that? 10:52:30AM</p> <p>7 A An auxiliary. 10:52:30AM</p> <p>8 Q Auxiliary? 10:52:31AM</p> <p>9 A Yeah. 10:52:33AM</p> <p>10 Q Are those the guys who stand during 10:52:33AM</p> <p>11 the parades to control traffic?</p> <p>12 MR. GRAFF: Objection. 10:52:35AM</p> <p>13 A They get the raincoats. 10:52:35AM</p> <p>14 Q What do you mean, they get the 10:52:37AM</p> <p>15 raincoats?</p> <p>16 A They get the suit and the raincoat. 10:52:39AM</p> <p>17 Q Right. And they control traffic 10:52:42AM</p> <p>18 during parades, right?</p> <p>19 A I guess. 10:52:45AM</p> <p>20 Q They're not real police officers? 10:52:46AM</p> <p>21 MR.. GRAFF: Objection. 10:52:47AM</p> <p>22 A No. 10:52:48AM</p> <p>23 Q How about Kevin Lamm, he wasn't a New 10:52:49AM</p> <p>24 York -- former New York City police officer, was</p> <p>25 he?</p>

Page 488	Page 490
<p>1 RICHARD BOSETTI</p> <p>2 MR. GRAFF: Objection. 10:52:54AM</p> <p>3 A No. 10:52:55AM</p> <p>4 Q He wasn't a former -- to your 10:52:55AM</p> <p>5 knowledge. Now, all I'm asking you is to your</p> <p>6 knowledge.</p> <p>7 A No. 10:53:00AM</p> <p>8 Q To your knowledge, was Kevin Lamm a 10:53:00AM</p> <p>9 former Suffolk or Nassau County police officer?</p> <p>10 A No. 10:53:06AM</p> <p>11 Q Tom Snyder, to your knowledge, was he 10:53:07AM</p> <p>12 a former New York City police officer?</p> <p>13 A No. 10:53:11AM</p> <p>14 Q Was he a former Suffolk or Nassau 10:53:12AM</p> <p>15 County police officer?</p> <p>16 MR. GRAFF: Objection. 10:53:16AM</p> <p>17 A No. I think he's a code of 10:53:16AM</p> <p>18 enforcement officer right now for town ever</p> <p>19 Islip.</p> <p>20 Q So he writes parking tickets, right? 10:53:22AM</p> <p>21 A Yeah. Yes. 10:53:24AM</p> <p>22 Q Ed Carter, he wasn't a former New York 10:53:26AM</p> <p>23 City police officer, was he?</p> <p>24 MR. GRAFF: Objection. 10:53:29AM</p> <p>25</p>	<p>1 RICHARD BOSETTI</p> <p>2 A Yes. 10:54:04AM</p> <p>3 Q Right. I accurately stated your 10:54:04AM</p> <p>4 testimony, correct?</p> <p>5 A Yes. 10:54:07AM</p> <p>6 Q And you know I'm representing 10:54:08AM</p> <p>7 Mr. Loeffler in this case, right?</p> <p>8 A Yes. Yes. 10:54:11AM</p> <p>9 Q And he's now the mayor? 10:54:12AM</p> <p>10 A Yes. 10:54:13AM</p> <p>11 Q He was a trustee at the time of the 10:54:14AM</p> <p>12 Halloween incident. Do you recall that?</p> <p>13 A Yes, I do. 10:54:18AM</p> <p>14 Q And I believe you said you thought he 10:54:19AM</p> <p>15 had a hard-on for you at that time too, correct?</p> <p>16 A Yeah. From the beginning, yes. 10:54:23AM</p> <p>17 Q Right. Okay. So you have no love 10:54:25AM</p> <p>18 lost -- there's no love lost between you and</p> <p>19 Mr. Loeffler, right?</p> <p>20 MR. GRAFF: Objection. 10:54:29AM</p> <p>21 A No. 10:54:30AM</p> <p>22 Q Mayor Rogers, what was your 10:54:31AM</p> <p>23 relationship with her?</p> <p>24 A She was the mayor when I first 10:54:35AM</p> <p>25 started, and Joe Loeffler took over after --</p>
Page 489	Page 491
<p>1 RICHARD BOSETTI</p> <p>2 BY MR. NOVIKOFF: 10:53:30AM</p> <p>3 Q To your knowledge? 10:53:30AM</p> <p>4 A Code enforcement. 10:53:31AM</p> <p>5 Q Write tickets? 10:53:32AM</p> <p>6 A Yeah. 10:53:33AM</p> <p>7 Q Right. 10:53:34AM</p> <p>8 A Yes, sir. 10:53:34AM</p> <p>9 Q He wasn't a former Nassau or Suffolk 10:53:34AM</p> <p>10 County Police Department, was he?</p> <p>11 MR. GRAFF: Objection. 10:53:38AM</p> <p>12 A No. 10:53:38AM</p> <p>13 Q And who's the fifth guy in this? Oh, 10:53:39AM</p> <p>14 Nofi. How could we forget Joe Nofi..</p> <p>15 He wasn't a former New York City 10:53:45AM</p> <p>16 Police Department, was he?</p> <p>17 MR. GRAFF: Objection. 10:53:48AM</p> <p>18 A No. 10:53:49AM</p> <p>19 Q And he wasn't a former Nassau or 10:53:49AM</p> <p>20 Suffolk County Police Department officer, was</p> <p>21 he?</p> <p>22 MR. GRAFF: Objection. 10:53:53AM</p> <p>23 A No, he wasn't. 10:53:54AM</p> <p>24 Q Now, you testified yesterday that Joe 10:53:56AM</p> <p>25 Loeffler had a hard-on for you.</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Right. 10:54:43AM</p> <p>3 A -- you know, he won the election. 10:54:43AM</p> <p>4 I liked Natalie. She's a nice lady. 10:54:46AM</p> <p>5 Q Right. And, in fact, the village 10:54:49AM</p> <p>6 fired you, right?</p> <p>7 A Who? 10:54:54AM</p> <p>8 Q The village, the Ocean Beach 10:54:55AM</p> <p>9 administration.</p> <p>10 A Yes. 10:54:55AM</p> <p>11 Q Right. And you had to fight them to 10:54:55AM</p> <p>12 get unemployment benefits, right?</p> <p>13 A Correct. 10:55:00AM</p> <p>14 Q They just didn't hand it to you. In 10:55:00AM</p> <p>15 fact, they said you're not entitled to them,</p> <p>16 right?</p> <p>17 A Right. 10:55:04AM</p> <p>18 Q And you had to go through an appeal, 10:55:04AM</p> <p>19 right?</p> <p>20 A Right. 10:55:06AM</p> <p>21 Q And you won? 10:55:07AM</p> <p>22 A I won. 10:55:08AM</p> <p>23 Q So you don't have any great love -- 10:55:08AM</p> <p>24 you know, there's no real love lost between you</p> <p>25 and the village, is there?</p>

Page 492

1 **RICHARD BOSETTI**

2 MR. GRAFF: Objection. 10:55:14AM

3 A No. 10:55:14AM

4 MR. NOVIKOFF: To what, use of the 10:55:15AM

5 phrase "love lost"?

6 MR. GRAFF: Between him and the 10:55:19AM

7 village. He can speak to his own feelings.

8 MR. NOVIKOFF: That's all I'm asking, 10:55:21AM

9 is there love lost between him and the

10 village according to him.

11 BY MR. NOVIKOFF: 10:55:24AM

12 **Q You understand, I'm only asking you 10:55:24AM**

13 **what you know, right?**

14 A Right. 10:55:27AM

15 **Q I'm not asking you what the village 10:55:28AM**

16 **may be thinking.**

17 A No. 10:55:30AM

18 **Q Right. Now, Mr. Goodstadt asked you a 10:55:31AM**

19 **number of questions concerning issuing**

20 **summonses.**

21 MR. GRAFF: Objection. 10:55:49AM

22 MR. NOVIKOFF: To what? 10:55:50AM

23 MR. GRAFF: It wasn't a question. 10:55:52AM

24 MR. NOVIKOFF: Because I wasn't done 10:55:54AM

25 with the question yet.

Page 493

1 **RICHARD BOSETTI**

2 MR. GRAFF: Excuse me. Objection 10:55:56AM

3 withdrawn.

4 MR. NOVIKOFF: Thank you. 10:55:58AM

5 BY MR. NOVIKOFF: 10:55:58AM

6 **Q Now, Mr. Goodstadt asked you a series 10:55:59AM**

7 **of questions concerning the issuance of**

8 **summonses, and you talked about discretion.**

9 **Do you recall doing that yesterday? 10:56:06AM**

10 A Yes. 10:56:08AM

11 **Q Now, I'm not going to ask you what 10:56:08AM**

12 **your testimony was because your testimony is in**

13 **the transcript.**

14 **You stated that, in your experience, a 10:56:15AM**

15 **lot of a police officer's job is based upon the**

16 **exercise of his or her discretion.**

17 A Yes. 10:56:24AM

18 **Q Is that correct? 10:56:25AM**

19 A A large part, yes. 10:56:26AM

20 **Q What did you mean by that? 10:56:27AM**

21 A I mean you don't come into work with 10:56:31AM

22 an us-against-them mentality. I'm going to

23 enforce the laws to the full extent, and there's

24 no -- there's no area in between that.

25 **Q So now let me give you some examples 10:56:51AM**

Page 494

1 **RICHARD BOSETTI**

2 **so I understand a little better and perhaps the**

3 **jury, who's maybe watching this videotape,**

4 **understands a little better as to what you mean.**

5 **If the speeding limit is 55 miles per 10:57:01AM**

6 **hour on the Long Island Expressway and I'm doing**

7 **65 miles an hour, it's really up to the police**

8 **officer's discretion, as you've testified to,**

9 **whether or not he or she wants to pull me over**

10 **for violating the law, correct?**

11 A Of course, yes. 10:57:17AM

12 **Q And would you agree with me that -- 10:57:18AM**

13 **well, what would be, in your 20-year experience**

14 **as a police -- full-time police officer, what**

15 **would happen if a police officer on the LIE**

16 **chose to enforce the 55-mile-per-hour limit law**

17 **on every car that drove on the LIE?**

18 MR.. GRAFF: Objection. 10:57:38AM

19 BY MR. NOVIKOFF: 10:57:38AM

20 **Q In a given -- 10:57:39AM**

21 A No, forget it. It would be the worst 10:57:41AM

22 parking lot.

23 **Q And why would that be? 10:57:44AM**

24 MR. GRAFF: Objection. 10:57:46AM

25 A Because if you enforce all the laws in 10:57:46AM

Page 495

1 **RICHARD BOSETTI**

2 a certain situation, it would just cause havoc.

3 **Q And jaywalking, that's against the 10:57:54AM**

4 **law, right?**

5 A Yep. 10:57:57AM

6 **Q Jaywalking, to your knowledge, is 10:58:05AM**

7 **against the law in New York City, right?**

8 A Right. 10:58:08AM

9 **Q Would that be something that a police 10:58:09AM**

10 **officer would exercise his or her discretion on?**

11 A Only if the jaywalker caused a 10:58:13AM

12 dangerous situation and was a threat to traffic

13 and may cause an accident.

14 **Q Okay. I'll give you an example. 10:58:20AM**

15 **Today I was driving through the midtown tunnel,**

16 **and unbeknownst to me I didn't have my**

17 **registration sticker on the window shield. I**

18 **still had my temporary registration.**

19 A Right. 10:58:35AM

20 **Q A police officer pulled me over. 10:58:35AM**

21 **Now, was I in violation of the law at 10:58:37AM**

22 **that time?**

23 MR. GRAFF: Objection. 10:58:40AM

24 A Yes, you were. 10:58:40AM

25 **Q Right. You understand what the laws 10:58:41AM**

Page 496

1 **RICHARD BOSETTI**
2 **would be with regard to that?**
3 A Right. 10:58:44AM
4 **Q Now, the police officer didn't give me 10:58:44AM**
5 **a ticket.**
6 A Okay. 10:58:46AM
7 **Q Do you think that was a violation, in 10:58:47AM**
8 **your opinion, of the police officer's duty to**
9 **protect and serve by not giving me a ticket?**
10 MR. GRAFF: Objection. 10:58:55AM
11 A No, because the police officer 10:58:56AM
12 probably ran your plate and saw your car was
13 registered properly, and you probably spoke
14 nicely to him and, you know, the police officer
15 said there's no reason to hurt this guy. He's
16 honest, his car is registered. I could
17 understand why the sticker fell off or wasn't
18 put on. I've been there myself.
19 **Q You sure you didn't drive in with me 10:59:16AM**
20 **today? Because that's exactly what happened.**
21 MR. GRAFF: Objection. 10:59:20AM
22 A Oh yeah? 10:59:21AM
23 **Q I spoke nicely. 10:59:22AM**
24 A Was it my brother? 10:59:22AM
25 **Q No, it wasn't your brother. 10:59:24AM**

Page 497

1 **RICHARD BOSETTI**
2 **Now, you went from 20 years in New 10:59:26AM**
3 **York City, Brownsville and Williamsburg to Ocean**
4 **Beach.**
5 **What type of violations did you, in 10:59:41AM**
6 **the exercise of your discretion as a police**
7 **officer, let go from time to time while you were**
8 **a police officer at Ocean Beach?**
9 MR. GRAFF: Objection. 10:59:54AM
10 MR. NOVIKOFF: On what basis? 10:59:55AM
11 MR. GRAFF: From time to time. 10:59:58AM
12 MR. NOVIKOFF: There's ambiguity, from 11:00:01AM
13 time to time? All right.
14 MR. GRAFF: It's a long period of 11:00:04AM
15 time.
16 BY MR. NOVIKOFF: 11:00:06AM
17 **Q Okay. Mr. Graff thinks that what I 11:00:07AM**
18 **just asked you is ambiguous, so let me see if I**
19 **can narrow it down a little bit.**
20 **Between 2002 and 2007, were there 11:00:15AM**
21 **times when you saw a violation of a town -- of a**
22 **village code ordinance that you, in the exercise**
23 **of your discretion, ignored?**
24 A Yes. 11:00:31AM
25 **Q Could you give me some examples? 11:00:32AM**

Page 498

1 **RICHARD BOSETTI**
2 A A lady on the beach maybe giving her 11:00:37AM
3 children a slice of orange.
4 **Q That's a violation of the -- 11:00:44AM**
5 A Terrible. 11:00:46AM
6 **Q No, no, no. That was a violation of 11:00:47AM**
7 **the village ordinance?**
8 A Yes. 11:00:51AM
9 **Q And if you were following the law to 11:00:52AM**
10 **the T, you were required to issue --**
11 A A summons. 11:01:03AM
12 **Q -- a summons. And you didn't? 11:01:03AM**
13 A No. 11:01:05AM
14 **Q Why not? 11:01:05AM**
15 A My discretion said it was -- it wasn't 11:01:06AM
16 a smart thing to do.
17 **Q Why? 11:01:12AM**
18 A Because I could understand if I had a 11:01:12AM
19 child and it was a hot day, I would be giving
20 that child a piece of orange too. So I can't
21 possibly do a summons for some mistake or
22 something that I would be doing myself.
23 **Q How about another example of a 11:01:24AM**
24 **violation of the village law that, in the**
25 **exercise of your discretion, you decided nah, I**

Page 499

1 **RICHARD BOSETTI**
2 **won't issue a summons on this one, that you**
3 **witnessed in your five years?**
4 A You want me to give you -- 11:01:40AM
5 **Q Give me another example. 11:01:42AM**
6 A If there is a young person relieving 11:01:45AM
7 himself on somebody's lawn or on a back street
8 and all the bathrooms are closed and he's too
9 young to get into a licensed establishment, I
10 can't see him busting his bladder and holding it
11 in waiting for a ferry that's a few hours from
12 now. I remember when I was younger, I would've
13 done the same thing. I'm sure everybody in this
14 room had to relieve themselves outdoors at some
15 time, which is summonsable offense.
16 **Q So you, in the exercise of your 11:02:11AM**
17 **discretion, gave that particular young**
18 **individual a pass?**
19 A A few of them, sure. 11:02:15AM
20 **Q Now, did you ever witness Frank 11:02:17AM**
21 **Fiorillo issue a summons for anything?**
22 A Oh, of course. 11:02:26AM
23 **Q Now, let's just leave it to Frank 11:02:28AM**
24 **Fiorillo now, because he's here. And that's the**
25 **only reason I'm using him first, because I see**

Page 500

1 **RICHARD BOSETTI**
2 **him.**
3 A Okay. 11:02:36AM
4 Q And again, I'm only asking what you 11:02:36AM
5 personally witnessed, not what you heard, not
6 what a rumor was, not what you may have seen
7 written on a wall. What you saw with your own
8 eyes.
9 A Okay. 11:02:47AM
10 Q Can you give me an example of a 11:02:48AM
11 summons that Frank Fiorillo issued to someone in
12 Ocean Beach that you thought wasn't the best
13 exercise of his discretion?
14 A First of all, I gotta say that at 11:03:01AM
15 least 60 percent of his summons, I think weren't
16 part of good discretion. I can't see stopping a
17 man, a woman and a child -- and a couple of
18 children that are riding tricycles and coming in
19 from the town and they just don't happen to see
20 the sign, Town of Ocean Beach, no bicycle
21 riding, prohibited, and he goes and gives
22 someone a summons in front of his children for a
23 violation that I feel that they probably really
24 didn't notice.
25 Q In front of his children, he would 11:03:35AM

Page 501

1 **RICHARD BOSETTI**
2 **give the summons?**
3 A Yes. 11:03:38AM
4 Q Let's stick with this for the time 11:03:38AM
5 being, because I want the jury to understand
6 this one.
7 Ocean Beach is comprised of how many 11:03:44AM
8 towns?
9 A Ocean Beach is just Ocean Beach. 11:03:49AM
10 Q Okay. Well, what's next to Ocean 11:03:51AM
11 Beach?
12 A It's -- I think it's Seaview and 11:03:53AM
13 Ocean -- Ocean -- I'm not sure. I don't know.
14 I forgot this. I was only there two years ago,
15 but, you know --
16 Q Okay. But there was another 11:04:04AM
17 jurisdiction --
18 A Yes. 11:04:06AM
19 Q -- next to the village of Ocean Beach, 11:04:06AM
20 correct?
21 A Correct. 11:04:09AM
22 Q Okay. So a man and his wife and his 11:04:09AM
23 children were riding bikes, correct?
24 A Yes. 11:04:14AM
25 Q And the children were riding the 11:04:15AM

Page 502

1 **RICHARD BOSETTI**
2 **little three-wheel tricycles, right?**
3 A Right. 11:04:19AM
4 Q Just like anyone else -- anyone who 11:04:19AM
5 has children, at some point in time their
6 children are on tricycles, correct?
7 A Yes. 11:04:25AM
8 Q Okay. And they were riding their 11:04:25AM
9 bikes and tricycles from one town, and they
10 crossed over into Ocean Beach; is that correct?
11 A Yes. 11:04:34AM
12 Q And at the border there's a sign that 11:04:34AM
13 says no bike riding?
14 A Yes. 11:04:39AM
15 Q And for whatever reason, you don't 11:04:41AM
16 really know, the man, his wife and children
17 continued to ride their bicycles in Ocean Beach?
18 A Right. 11:04:49AM
19 Q And you witnessed Mr. Fiorillo, who's 11:04:49AM
20 sitting here today, issue a summons to that man,
21 woman and child?
22 A Many, many, many times. 11:04:57AM
23 Q Did he -- let's just stick with the 11:04:59AM
24 example you addressed earlier.
25 Did he give them a warning? 11:05:04AM

Page 503

1 **RICHARD BOSETTI**
2 A I have never seen Frank give a 11:05:07AM
3 warning. I don't know.
4 Q I'm sorry. Did he say, for example, 11:05:10AM
5 you know, I'm sure you didn't see the sign, so
6 next time, please just don't ride your bikes in
7 Ocean Beach?
8 MR. GRAFF: Objection. 11:05:19AM
9 BY MR. NOVIKOFF: 11:05:20AM
10 Q Did you ever hear him say that? 11:05:20AM
11 A I wasn't there for that occasion, no. 11:05:22AM
12 Q So you never heard him ever say that? 11:05:24AM
13 A No. 11:05:26AM
14 Q Okay. But you did personally witness, 11:05:26AM
15 as an officer of Ocean Beach, while you were on
16 duty, Mr. Fiorillo issuing a summons to a man
17 and a woman for riding their bikes with their
18 little child?
19 A Correct. 11:05:39AM
20 Q How about another example of a summons 11:05:40AM
21 that Mr. Fiorillo issued that you believed in
22 your 20 years of New York City Police Department
23 experience probably wasn't the best exercise of
24 discretion?
25 MR. GRAFF: Objection.. 11:05:53AM

<p style="text-align: right;">Page 504</p> <p>1 RICHARD BOSETTI</p> <p>2 A Giving summons at night for people 11:05:55AM</p> <p>3 riding bikes when it was 5:00 in the morning,</p> <p>4 the streets are empty, all right? It might be</p> <p>5 drizzling, some of the streets back up with</p> <p>6 puddles, and they get on their bikes and ride</p> <p>7 through the puddles not to get soaking wet.</p> <p>8 Q And why do you think -- well, why 11:06:17AM</p> <p>9 would you have exercised your discretion and not</p> <p>10 issued a summons in that scenario?</p> <p>11 A Because I would've jumped on a bike 11:06:24AM</p> <p>12 and drove through the puddle myself.</p> <p>13 Q Okay. 11:06:29AM</p> <p>14 A You know, there are certain times -- I 11:06:30AM</p> <p>15 could see if the streets are packed with men,</p> <p>16 women and children and you're riding your bike</p> <p>17 through them, like, come on, you should know</p> <p>18 better, guy. Reckless endangerment, doing</p> <p>19 something stupid.</p> <p>20 Q So in that situation, you would've 11:06:44AM</p> <p>21 issued a summons, right?</p> <p>22 MR. GRAFF: Objection. 11:06:47AM</p> <p>23 A Not at 5:00 in the morning. 11:06:47AM</p> <p>24 Q No, no. But if the streets were 11:06:49AM</p> <p>25 packed with men, women and children, and someone</p>	<p style="text-align: right;">Page 506</p> <p>1 RICHARD BOSETTI</p> <p>2 Q For Mr. Graff's sake, why don't you 11:07:35AM</p> <p>3 tell the jury what you mean by patrol.</p> <p>4 A Patrol is driving through your 11:07:40AM</p> <p>5 geographical area of employment or sector to</p> <p>6 make sure that there are no violations of laws</p> <p>7 or crime being committed.</p> <p>8 Q In your four to five years with Ocean 11:07:51AM</p> <p>9 Beach, did you ever drive with Mr. Fiorillo on</p> <p>10 patrol?</p> <p>11 A I may have once or twice; but to tell 11:07:56AM</p> <p>12 you the truth, I made it my thing not to ride</p> <p>13 with Mr. Fiorillo or Mr. Fiorillo whenever he</p> <p>14 was on his summons rampage.</p> <p>15 Q Okay. And why was that? 11:08:10AM</p> <p>16 A It's embarrassing. 11:08:12AM</p> <p>17 Q Why was it embarrassing? 11:08:13AM</p> <p>18 A Because he's always abusing the 11:08:14AM</p> <p>19 people. And if he wasn't abusing the people, he</p> <p>20 would say things in such a way that everybody</p> <p>21 took it that he meant it sarcastically.</p> <p>22 Q Okay. 11:08:24AM</p> <p>23 A And there are problems that any other 11:08:25AM</p> <p>24 cop could give a summons to and there wouldn't</p> <p>25 be any problems at all with handing out that</p>
<p style="text-align: right;">Page 505</p> <p>1 RICHARD BOSETTI</p> <p>2 was riding their bike --</p> <p>3 A Yes. 11:06:55AM</p> <p>4 MR. GRAFF: Objection. 11:06:57AM</p> <p>5 Q -- you would've issued a summons in 11:06:57AM</p> <p>6 that scenario, correct?</p> <p>7 A If I honestly believed that he did it 11:06:58AM</p> <p>8 knowing that he was endangering people and</p> <p>9 breaking the village code.</p> <p>10 Q Now, on how many occasions did you 11:07:09AM</p> <p>11 actually patrol with Mr. Fiorillo in your five</p> <p>12 years there?</p> <p>13 MR. GRAFF: Objection. 11:07:18AM</p> <p>14 MR. NOVIKOFF: To? 11:07:19AM</p> <p>15 MR. GRAFF: I don't know what you mean 11:07:20AM</p> <p>16 by "patrol."</p> <p>17 MR. NOVIKOFF: You don't know what 11:07:22AM</p> <p>18 patrol means? Should I take Webster's</p> <p>19 dictionary and read the definition? You</p> <p>20 really don't know what the word "patrol" is?</p> <p>21 Fine.</p> <p>22 BY MR. NOVIKOFF: 11:07:31AM</p> <p>23 Q Sir, do you know what I mean by the 11:07:32AM</p> <p>24 word "patrol"?</p> <p>25 A Yes. 11:07:35AM</p>	<p style="text-align: right;">Page 507</p> <p>1 RICHARD BOSETTI</p> <p>2 summons, he would escalate it into some mess.</p> <p>3 Q Okay. And you personally witnessed 11:08:37AM</p> <p>4 it?</p> <p>5 A I've witnessed it many times. 11:08:39AM</p> <p>6 Q Okay. And how about Mr. Lamm? In 11:08:40AM</p> <p>7 your -- during your time at Ocean Beach, did you</p> <p>8 ever work -- did you ever patrol with Mr. Lamm</p> <p>9 in the car?</p> <p>10 A No -- yeah, I did, but he's another 11:08:53AM</p> <p>11 one I stayed away from.</p> <p>12 Q And why was that? 11:08:57AM</p> <p>13 A For just about the same reason. 11:08:58AM</p> <p>14 Q Okay. 11:09:00AM</p> <p>15 A You know, I can't see stopping 11:09:00AM</p> <p>16 somebody for a violation and putting handcuffs</p> <p>17 on them and bringing them into the station</p> <p>18 handcuffed. George --</p> <p>19 Q Hold on -- are you done with your 11:09:09AM</p> <p>20 answer?</p> <p>21 A He was warned many times not to put 11:09:12AM</p> <p>22 handcuffs on people that he ticketed.</p> <p>23 Q Okay. Let's put what Mr. Hesse may or 11:09:16AM</p> <p>24 may have not done with Mr. Lamm aside for a</p> <p>25 moment. I'm just interested and I think the</p>

<p style="text-align: right;">Page 508</p> <p>1 RICHARD BOSETTI</p> <p>2 jury would be interested in finding out from you</p> <p>3 an example of when Mr. Lamm would have put</p> <p>4 someone in handcuffs for a violation.</p> <p>5 MR. GRAFF: Objection. 11:09:30AM</p> <p>6 MR. NOVIKOFF: Wait a minute. 11:09:33AM</p> <p>7 What's the basis for your objection? 11:09:36AM</p> <p>8 MR. GRAFF: You're asking for an 11:09:37AM</p> <p>9 example of when he would've done something.</p> <p>10 Ask him --</p> <p>11 MR. NOVIKOFF: I just did. 11:09:42AM</p> <p>12 BY MR. NOVIKOFF: 11:09:42AM</p> <p>13 Q Can you provide an example for me of 11:09:43AM</p> <p>14 when you witnessed Mr. Lamm putting handcuffs on</p> <p>15 someone for a violation?</p> <p>16 A I can't go by names. I can't go by 11:09:52AM</p> <p>17 exact dates. But I know I've witnessed Mr. Lamm</p> <p>18 put handcuffs on people.</p> <p>19 Q Do you know for what type of violation 11:09:56AM</p> <p>20 you witnessed Mr. Lamm doing this?</p> <p>21 A Just for regular maybe having a bottle 11:10:00AM</p> <p>22 of beer or maybe urinating. If he was scared to</p> <p>23 walk them by himself, he'd slap the handcuffs on</p> <p>24 them, bring them into the precinct and write-up</p> <p>25 the summons there.</p>	<p style="text-align: right;">Page 510</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Right. How about Nofi, did you ever 11:11:13AM</p> <p>3 patrol in a car with Nofi?</p> <p>4 A When you say car, we use golf carts. 11:11:25AM</p> <p>5 Q Yeah, whatever they are. Golf carts, 11:11:27AM</p> <p>6 trucks, anything that had wheels and a motor.</p> <p>7 Did you ever patrol with Nofi?</p> <p>8 A Yeah. Probably walking with him too, 11:11:33AM</p> <p>9 walking through town with him too.</p> <p>10 Q Did, in your opinion, Nofi exercise 11:11:37AM</p> <p>11 the same poor judgment as Mr. Fiorillo and</p> <p>12 Mr. Lamm?</p> <p>13 MR.. GRAFF: Objection. 11:11:43AM</p> <p>14 A Nofi got me nervous. 11:11:45AM</p> <p>15 Q How did Nofi get you nervous? 11:11:47AM</p> <p>16 A Because I knew a lot of the people in 11:11:49AM</p> <p>17 the town, the kids. They all got to know me,</p> <p>18 you know, the ones that come in, the transients</p> <p>19 with the boats and the people with families and</p> <p>20 everything else. And a lot of time Joey would</p> <p>21 just turn to somebody, even like anybody in this</p> <p>22 room might be walking past Nofi, and he'd make a</p> <p>23 remark, hey asshole, hey asshole, get over here</p> <p>24 before I smack you.</p> <p>25 Q Nofi would say that? 11:12:17AM</p>
<p style="text-align: right;">Page 509</p> <p>1 RICHARD BOSETTI</p> <p>2 Q He would put -- you witnessed him 11:10:16AM</p> <p>3 putting handcuffs on somebody for urinating in</p> <p>4 the grass?</p> <p>5 MR. GRAFF: Objection.. 11:10:25AM</p> <p>6 A For committing a violation. 11:10:26AM</p> <p>7 Q Okay. 11:10:31AM</p> <p>8 A Whichever one it may be. 11:10:32AM</p> <p>9 Q Sure. 11:10:33AM</p> <p>10 A I've seen Mr. Lamm escort people into 11:10:34AM</p> <p>11 the precinct with handcuffs on.</p> <p>12 Q Okay. How about Mr. Carter, did you 11:10:40AM</p> <p>13 ever patrol in a car with Mr. Carter?</p> <p>14 A No. 11:10:44AM</p> <p>15 Q How about Mr. Snyder, did you ever 11:10:44AM</p> <p>16 patrol in a car with Mr. Snyder?</p> <p>17 A Yeah. 11:10:49AM</p> <p>18 Q On how many occasions? 11:10:50AM</p> <p>19 A Probably quite a few. 11:10:54AM</p> <p>20 Q Did Snyder, in your opinion, exercise 11:10:55AM</p> <p>21 the same poor judgment that you say Lamm and</p> <p>22 Fiorillo did?</p> <p>23 A Not to that extent. He just was more 11:11:02AM</p> <p>24 like lazier, more -- a lot with the antisemitic</p> <p>25 nonsense.</p>	<p style="text-align: right;">Page 511</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yeah. 11:12:19AM</p> <p>3 Q So someone like me, just enjoying a 11:12:21AM</p> <p>4 Saturday afternoon, could be minding my business</p> <p>5 and you would see Nofi call me an asshole and</p> <p>6 tell me to come over before I get smacked?</p> <p>7 MR. GRAFF: Objection. 11:12:32AM</p> <p>8 A Definitely. And the way I feel about 11:12:32AM</p> <p>9 it is when a cop comes up to me when I'm in</p> <p>10 plain clothes, if he treats me with any</p> <p>11 disrespect, it pisses me off because I know I</p> <p>12 don't do that when I put on a uniform.</p> <p>13 Q I believe yesterday you testified 11:12:57AM</p> <p>14 concerning a time that you and Mr. Nofi were off</p> <p>15 the island together and he issued a summons for</p> <p>16 a motor vehicle violation?</p> <p>17 A Yes. 11:13:09AM</p> <p>18 MR. GRAFF: Objection. 11:13:10AM</p> <p>19 BY MR.. NOVIKOFF: 11:13:10AM</p> <p>20 Q Do you recall that? 11:13:12AM</p> <p>21 A He either issued it or he wanted to 11:13:13AM</p> <p>22 issue it. I'm 90 percent sure he issued it. We</p> <p>23 were on our way to the range, we stopped at a</p> <p>24 Dunkin Donuts shop. Nofi was the last one to</p> <p>25 come in. I said, what's going on? He said, I</p>

Page 512	Page 514
<p>1 RICHARD BOSETTI</p> <p>2 issued -- I had to issue a summons to someone</p> <p>3 for parking in handicap or whatever it was.</p> <p>4 And there was also -- should I keep 11:13:33AM</p> <p>5 going?</p> <p>6 Q Sure. 11:13:37AM</p> <p>7 A There's also instances on the island 11:13:37AM</p> <p>8 that Joey was interested in this underage girl</p> <p>9 and the girl was supposed to be of age in a</p> <p>10 month or two, and he was talking with me, he</p> <p>11 wanted to know if he should bang her now or</p> <p>12 wait. So I told him, I think you should wait.</p> <p>13 Q Okay. Now, you made reference to -- 11:13:57AM</p> <p>14 you used the term "real cop" yesterday. Do you</p> <p>15 recall that?</p> <p>16 A I may have, I'm not sure. If you put 11:14:16AM</p> <p>17 it in --</p> <p>18 Q Let me ask you point blank. You were 11:14:20AM</p> <p>19 a real cop when you worked --</p> <p>20 A Yes. 11:14:23AM</p> <p>21 Q -- for New York City, right? 11:14:23AM</p> <p>22 MR. GRAFF: Objection. 11:14:25AM</p> <p>23 Q What's your understanding of -- when 11:14:26AM</p> <p>24 you worked for the city and when you agree with</p> <p>25 me that you were a real cop, what was your</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q Now, to your knowledge, was working at 11:15:25AM</p> <p>3 Ocean Beach during the summer part-time</p> <p>4 Mr. Fiorillo's primary job? Again, to your</p> <p>5 understanding.</p> <p>6 A No. 11:15:38AM</p> <p>7 Q How about Nofi, was that his primary 11:15:38AM</p> <p>8 job?</p> <p>9 A No. 11:15:42AM</p> <p>10 MR. GRAFF: Objection. 11:15:42AM</p> <p>11 BY MR. NOVIKOFF: 11:15:42AM</p> <p>12 Q Carter? 11:15:43AM</p> <p>13 MR. GRAFF: Objection. 11:15:44AM</p> <p>14 A No. 11:15:44AM</p> <p>15 Q Snyder? 11:15:45AM</p> <p>16 MR. GRAFF: Objection. 11:15:45AM</p> <p>17 A No. 11:15:47AM</p> <p>18 Q Lamm? 11:15:48AM</p> <p>19 MR. GRAFF: Objection. 11:15:49AM</p> <p>20 A No. 11:15:49AM</p> <p>21 Q So in that respect, you wouldn't 11:15:50AM</p> <p>22 suggest that they were real cops, right?</p> <p>23 MR. GRAFF: Objection. 11:15:53AM</p> <p>24 A That was their hobby, where they get 11:15:54AM</p> <p>25 to play cops and robbers.</p>
Page 513	Page 515
<p>1 RICHARD BOSETTI</p> <p>2 understanding of what a real cop is?</p> <p>3 A First of all, I have to tell you that 11:14:36AM</p> <p>4 when it comes to police officers, the New York</p> <p>5 City police officer and the Ocean Beach police</p> <p>6 officer have the same powers.</p> <p>7 Q Right. 11:14:46AM</p> <p>8 A They're both actually real cops. 11:14:46AM</p> <p>9 Where the difference is right there is that if</p> <p>10 you work in a high-crime neighborhood in New</p> <p>11 York City, you learn how to speak to people</p> <p>12 properly, otherwise you're gonna get your ass</p> <p>13 kicked.</p> <p>14 Q Now, when you worked for the New York 11:15:05AM</p> <p>15 City Police Department, that was your full-time</p> <p>16 job, right?</p> <p>17 A Correct. 11:15:11AM</p> <p>18 Q You worked 40 hours, sometimes more? 11:15:11AM</p> <p>19 A Yes. 11:15:14AM</p> <p>20 Q It wasn't your second job, was it? 11:15:15AM</p> <p>21 A No, that was my primary job. 11:15:17AM</p> <p>22 Q It wasn't your night job? 11:15:19AM</p> <p>23 A No, it was my primary job. 11:15:21AM</p> <p>24 Q It wasn't your part-time job? 11:15:22AM</p> <p>25 A No, it was my full-time job. 11:15:24AM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q What do you mean, that was their 11:15:57AM</p> <p>3 hobbies?</p> <p>4 A They put on -- like Nofi puts on a 11:16:00AM</p> <p>5 Superman suit, which means a police uniform, and</p> <p>6 he goes out, and he could treat people with</p> <p>7 disrespect, whereas if he didn't have that</p> <p>8 uniform on, he wouldn't be able to get away with</p> <p>9 that. It's the same with Frank, the same with</p> <p>10 Lamm.</p> <p>11 Q How about Snyder and Carter? 11:16:16AM</p> <p>12 MR. GRAFF: Objection. 11:16:18AM</p> <p>13 A Snyder, like I said, I don't know what 11:16:19AM</p> <p>14 his original purpose was for getting the job. I</p> <p>15 don't think it was to do real police work.. I</p> <p>16 think he just wanted the cash and a place to</p> <p>17 sleep from when he's not on his full-time job.</p> <p>18 Q All right. In your opinion, was Frank 11:16:35AM</p> <p>19 Fiorillo jealous of you and your brother because</p> <p>20 you were police officers for New York City for</p> <p>21 so many years and they weren't -- and he wasn't?</p> <p>22 MR. GRAFF: Objection. 11:17:05AM</p> <p>23 BY MR. NOVIKOFF: 11:17:05AM</p> <p>24 Q Do you have an opinion? 11:17:05AM</p> <p>25 A I don't think Frank Fiorillo was 11:17:06AM</p>

<p style="text-align: right;">Page 516</p> <p>1 RICHARD BOSETTI</p> <p>2 jealous of that. Frank Fiorillo was jealous for</p> <p>3 the fact that me and my brother came on the</p> <p>4 island. People took a liking to us. People</p> <p>5 told us things. There was more of a rapport</p> <p>6 with the police department and the public out</p> <p>7 there when me and my brother started. Several,</p> <p>8 many people told me and my brother things</p> <p>9 haven't been so good since you guys started with</p> <p>10 the police department and the Ocean Beach</p> <p>11 residents until me and my brother started. At</p> <p>12 least we're able to talk. We're able to come up</p> <p>13 to you guys.</p> <p>14 You know, I would do them favors. 11:17:42AM</p> <p>15 Sometimes, if I find out that one of the locals</p> <p>16 is stranded out by the checkpoint, that's not my</p> <p>17 job to go pick him up. I said, hey, but it's</p> <p>18 freezing out there. And I'll give the radio to</p> <p>19 my partner or take the radio with me if he has</p> <p>20 his own, and I go to the checkpoint and get the</p> <p>21 poor guy.</p> <p>22 You know, it's just common -- common 11:18:01AM</p> <p>23 things like that that helped get a situation</p> <p>24 between the police department and the citizens</p> <p>25 good.</p>	<p style="text-align: right;">Page 518</p> <p>1 RICHARD BOSETTI</p> <p>2 Q My questions, unlike yesterday, is 11:19:01AM</p> <p>3 what you witnessed with your ears or your eyes</p> <p>4 or your nose.</p> <p>5 Did you ever witness George Hesse 11:19:09AM</p> <p>6 order Frank Fiorillo to drive you to the</p> <p>7 checkpoint?</p> <p>8 A No, I didn't. 11:19:17AM</p> <p>9 Q Did you ever witness George Hesse 11:19:18AM</p> <p>10 order any of the plaintiffs to drive you to the</p> <p>11 checkpoint?</p> <p>12 A No, I never witnessed that. 11:19:26AM</p> <p>13 Q Okay. Were you ever driven to the 11:19:27AM</p> <p>14 checkpoint by anyone other than the five</p> <p>15 plaintiffs in this case?</p> <p>16 A Yes. 11:19:43AM</p> <p>17 Q Okay. Who, if you can give me some 11:19:44AM</p> <p>18 names?</p> <p>19 A Everyone that was on the Ocean Beach 11:19:50AM</p> <p>20 Police Department at one time probably drove me</p> <p>21 off, and I probably drove everyone on the police</p> <p>22 department off it at some point as well.</p> <p>23 Q Was this just a matter of professional 11:20:02AM</p> <p>24 courtesy?</p> <p>25 MR. GRAFF: Objection. 11:20:04AM</p>
<p style="text-align: right;">Page 517</p> <p>1 RICHARD BOSETTI</p> <p>2 Q Okay. Now, let's talk about going out 11:18:14AM</p> <p>3 to the checkpoint, only because it was brought</p> <p>4 up yesterday a little bit.</p> <p>5 Did Mr. Hesse ever order Frank 11:18:20AM</p> <p>6 Fiorillo to drive you to the checkpoint?</p> <p>7 MR. GRAFF: Objection. 11:18:25AM</p> <p>8 A Drive me to the checkpoint? 11:18:26AM</p> <p>9 Q Yeah. Order, now. 11:18:29AM</p> <p>10 MR. GRAFF: Objection. 11:18:32AM</p> <p>11 A I don't know -- 11:18:33AM</p> <p>12 MR. NOVIKOFF: I'll rephrase the 11:18:34AM</p> <p>13 question because there's an objection.</p> <p>14 Don't know why, but there's an objection.</p> <p>15 BY MR. NOVIKOFF: 11:18:39AM</p> <p>16 Q In your presence, did you ever witness 11:18:40AM</p> <p>17 George Hesse order Frank Fiorillo to drive you</p> <p>18 to the checkpoint?</p> <p>19 A Not to my knowledge, but George might 11:18:47AM</p> <p>20 have said the Bosetti brothers would like a ride</p> <p>21 off; you know, help them out.</p> <p>22 Q Not asking you what you may speculate. 11:18:56AM</p> <p>23 A Okay. 11:18:58AM</p> <p>24 Q What you may assume. 11:18:58AM</p> <p>25 A Yeah. 11:18:59AM</p>	<p style="text-align: right;">Page 519</p> <p>1 RICHARD BOSETTI</p> <p>2 A Yes. 11:20:04AM</p> <p>3 Q You understand what we mean by 11:20:05AM</p> <p>4 professional courtesy?</p> <p>5 A Yes. We were stranded out there. 11:20:09AM</p> <p>6 MR. NOVIKOFF: By the way, what was 11:20:11AM</p> <p>7 the objection? You do know this is</p> <p>8 cross-examination and I'm allowed to lead</p> <p>9 the witness, right?</p> <p>10 MR. GRAFF: Yeah, the objection wasn't 11:20:17AM</p> <p>11 leading.</p> <p>12 MR. NOVIKOFF: So I'm asking you, 11:20:19AM</p> <p>13 because I want to make sure the record is</p> <p>14 clear so when I read this to the jury, there</p> <p>15 won't be an objection at trial. So if you</p> <p>16 can please tell me what your objection was,</p> <p>17 I'll be more than happy to try to clean up</p> <p>18 my question.</p> <p>19 MR. GRAFF: The professional courtesy, 11:20:32AM</p> <p>20 which you corrected.</p> <p>21 MR. NOVIKOFF: Because it was -- you 11:20:35AM</p> <p>22 believe it was ambiguous, the term</p> <p>23 "professional courtesy"?</p> <p>24 MR. GRAFF: Yes. 11:20:39AM</p> <p>25 MR. NOVIKOFF: Okay. 11:20:40AM</p>

<p style="text-align: right;">Page 520</p> <p>1 RICHARD BOSETTI</p> <p>2 BY MR. NOVIKOFF: 11:20:45AM</p> <p>3 Q Now, I think you mentioned earlier 11:20:46AM</p> <p>4 this morning that you were shot during a</p> <p>5 45-minute firefight; is that correct?</p> <p>6 A Correct. 11:21:01AM</p> <p>7 Q Can you describe for the jury what 11:21:01AM</p> <p>8 took place that led to you being shot?</p> <p>9 A We were called to South Second Street 11:21:07AM</p> <p>10 at approximately 12 o'clock in the afternoon.</p> <p>11 There was an armed perpetrator in the -- in his</p> <p>12 apartment. Supposedly he held two female</p> <p>13 victims there that he raped. Knocked on the</p> <p>14 door, knocked on the door. He wouldn't answer.</p> <p>15 No noise whatsoever. I tell my partner, Andy,</p> <p>16 go down to the basement and cut the power to the</p> <p>17 apartment, because there was loud music coming</p> <p>18 from the apartment.</p> <p>19 Q Uh-huh. 11:21:35AM</p> <p>20 A He cuts the power to the apartment. 11:21:36AM</p> <p>21 We get up to the door. There's an entry team of</p> <p>22 about five people. The sergeant was -- was</p> <p>23 standing a little bit in front of me, which he</p> <p>24 probably shouldn't have been, and Andy was</p> <p>25 directly in front, holding a body bunker. The</p>	<p style="text-align: right;">Page 522</p> <p>1 RICHARD BOSETTI</p> <p>2 With this, another shot comes through 11:23:16AM</p> <p>3 the door. I picked up my rifle, put it over</p> <p>4 Andy's head and shot through the door again,</p> <p>5 once. That was the first time.</p> <p>6 With this I told Andy, this is a bad 11:23:26AM</p> <p>7 spot. I said, he knows exactly where we are. I</p> <p>8 said, I'm gonna run across the doorway, across</p> <p>9 the vestibule, and take up a better position</p> <p>10 this way. He said, all right.</p> <p>11 I made a run. I shot. He shot back 11:23:40AM</p> <p>12 and hit Andy in the lower abdominal area. Andy</p> <p>13 went down, crawled up the stairs, dropped his</p> <p>14 gun, dropped his body bunker, crawled up the</p> <p>15 stairs, was halfway up the stairs into like a</p> <p>16 little flat spot, where the stairs turn. And</p> <p>17 Andy said, please don't let him come out. I</p> <p>18 said, don't worry, I'm not gonna let him come</p> <p>19 out.</p> <p>20 With this, I got a little pissed, and 11:24:12AM</p> <p>21 I told Sabastian Spiela, come out, it's me and</p> <p>22 you. And then it went like that for 45 minutes,</p> <p>23 and he never came out.</p> <p>24 I had Andy -- when EMS arrived, I had 11:24:27AM</p> <p>25 Andy not removed through the front door. I had</p>
<p style="text-align: right;">Page 521</p> <p>1 RICHARD BOSETTI</p> <p>2 reason the sergeant was in front of me was</p> <p>3 because he put the rabbit tool in the door. A</p> <p>4 rabbit tool is a pump that cracks the door open.</p> <p>5 Q What's a body bunker? 11:22:07AM</p> <p>6 A A body bunker is a handheld piece of 11:22:08AM</p> <p>7 armor with a little sight glass in it.</p> <p>8 Q Got it. And can you go on for the 11:22:13AM</p> <p>9 jury?</p> <p>10 A Yes. And the sergeant put the rabbit 11:22:15AM</p> <p>11 tool in the door, cranked the door up. He</p> <p>12 wasn't gonna take the door at that time; he just</p> <p>13 wanted to get the tool in place. As he put the</p> <p>14 tool into the door, you could hear the door</p> <p>15 start to crackle, which the perpetrator inside</p> <p>16 heard that door crackle also. So he let loose</p> <p>17 with a round that missed Andy, missed the</p> <p>18 sergeant. I was holding an automatic Ruger .223</p> <p>19 rifle. It went underneath the handgrip, went</p> <p>20 through the pockets of my vest and then went</p> <p>21 along my arm.</p> <p>22 With this, we all jumped to the side 11:22:59AM</p> <p>23 of the door. And Andy said, what the hell is</p> <p>24 going on? I said, I just got shot. He said,</p> <p>25 what? I said, I just got shot.</p>	<p style="text-align: right;">Page 523</p> <p>1 RICHARD BOSETTI</p> <p>2 EMS take him upstairs and remove him through a</p> <p>3 fire escape so they didn't have to pass the</p> <p>4 doorway where he might have been in the way of</p> <p>5 fire.</p> <p>6 After a while, bosses and more backup 11:24:43AM</p> <p>7 came, and they ordered me to go to Bellevue.</p> <p>8 Q For your physical gunshot injury? 11:24:50AM</p> <p>9 A Excuse me? 11:24:53AM</p> <p>10 Q For your gunshot injury? 11:24:54AM</p> <p>11 A Yes. 11:24:55AM</p> <p>12 Q Now, you also mentioned that you 11:24:56AM</p> <p>13 worked down at the World Trade Center site on</p> <p>14 the unfortunate day of 9-11; is that correct?</p> <p>15 A Yes, and also the first one. 11:25:04AM</p> <p>16 Q I'm sorry? 11:25:06AM</p> <p>17 A The first one also. 11:25:07AM</p> <p>18 Q Right. The first one was the truck 11:25:08AM</p> <p>19 bombing --</p> <p>20 A Yes. 11:25:10AM</p> <p>21 Q -- in the garage, right? 11:25:10AM</p> <p>22 A Correct. 11:25:11AM</p> <p>23 Q Let's talk about the second one, 9-11. 11:25:12AM</p> <p>24 What did you do down at the site?</p> <p>25 A At the site, I was assigned to -- I 11:25:17AM</p>

<p style="text-align: right;">Page 524</p> <p>1 RICHARD BOSETTI</p> <p>2 was supposed to go in a helicopter should they</p> <p>3 need to repel on the roof. But my lieutenant</p> <p>4 told me that -- because at that time, I was</p> <p>5 working Floyd Bennett field, where all the</p> <p>6 equipment was. He goes, Rich, you've got a</p> <p>7 Class 3 truck driver's -- a class -- a</p> <p>8 commercial truck license, tractor-trailers. And</p> <p>9 he said, what I want you to do is get as much</p> <p>10 equipment and men as you can and bring a rig</p> <p>11 down here. So I did that. I brought the rig</p> <p>12 down.</p> <p>13 And then earlier on that day, we went 11:25:47AM</p> <p>14 on top of the pile, and that's where we -- I</p> <p>15 helped pull out one of the housing cops that the</p> <p>16 movie was about that were stranded.</p> <p>17 Q Uh-huh. 11:26:02AM</p> <p>18 A You know? I helped pull the first 11:26:03AM</p> <p>19 guy. I wasn't in the hole. I was on the</p> <p>20 rubble. And with all the fire going around,</p> <p>21 they just passed this guy along down the row,</p> <p>22 and I think I breathed in enough asbestos -- I'm</p> <p>23 going for tests now, for the last -- I went last</p> <p>24 year. I have to go again this year.</p> <p>25 Q How long were you down at the site 11:26:23AM</p>	<p style="text-align: right;">Page 526</p> <p>1 RICHARD BOSETTI</p> <p>2 the expression on my face, but why don't you</p> <p>3 ask the witness a question.</p> <p>4 THE WITNESS: He seems like a nice 11:27:19AM</p> <p>5 guy.</p> <p>6 BY MR. NOVIKOFF: 11:27:21AM</p> <p>7 Q So, now, sir, let's see, you mentioned 11:27:21AM</p> <p>8 an incident in response to Mr. Goodstadt's</p> <p>9 questions yesterday about Kevin Lamm searching</p> <p>10 for drugs in a restaurant.</p> <p>11 Do you recall that? 11:27:44AM</p> <p>12 A Yes. 11:27:45AM</p> <p>13 Q Okay. Without me trying to 11:27:46AM</p> <p>14 characterize your testimony, can you just tell</p> <p>15 me what occurred with regard to Mr. Lamm at that</p> <p>16 restaurant?</p> <p>17 A According to the bartenders that were 11:27:57AM</p> <p>18 there -- I don't know if it was Barry or JJ --</p> <p>19 and even some of the patrons to that bar, Kevin</p> <p>20 Lamm came in, ran right to the kitchen, started</p> <p>21 rattling pots and pans, looking all around for</p> <p>22 illegal drugs, yelling that I know that they're</p> <p>23 in here. I know they're in here somewhere. And</p> <p>24 then when he came out, people said, what are you</p> <p>25 doing? That's not right, Richie and Gary</p>
<p style="text-align: right;">Page 525</p> <p>1 RICHARD BOSETTI</p> <p>2 for?</p> <p>3 A I was down at the site that whole 11:26:25AM</p> <p>4 night and -- that whole night on the rubble when</p> <p>5 all that crap was coming up and probably part of</p> <p>6 the next day, and then from then on like here</p> <p>7 and there.</p> <p>8 Q Okay. 11:26:37AM</p> <p>9 A But also the shop where I worked, 11:26:37AM</p> <p>10 that's where all the rescue tools came; and if I</p> <p>11 repaired the rescue tools, you had to blow off</p> <p>12 all that asbestos.</p> <p>13 Q All right. 11:26:48AM</p> <p>14 A My brother was at the site, in the 11:26:49AM</p> <p>15 hole, underground for weeks.</p> <p>16 Q Gary? 11:26:52AM</p> <p>17 A Gary, yeah. He was also in my unit. 11:26:53AM</p> <p>18 SWAT team; ESU, they call it.</p> <p>19 MR. NOVIKOFF: Mr. Graff, do you have 11:27:06AM</p> <p>20 something to say?</p> <p>21 MR. GRAFF: No. 11:27:08AM</p> <p>22 MR. NOVIKOFF: Okay. I just saw a 11:27:09AM</p> <p>23 smirk on your face. I don't know what the</p> <p>24 smirking is about, but --</p> <p>25 MR. GRAFF: I think you're misstating 11:27:12AM</p>	<p style="text-align: right;">Page 527</p> <p>1 RICHARD BOSETTI</p> <p>2 wouldn't do that and all this other stuff. He</p> <p>3 started pounding his nightstick -- which he did</p> <p>4 because he copied off of me. He wanted a wooden</p> <p>5 nightstick, and then George told him no more of</p> <p>6 that shit. And he started pounding it on the</p> <p>7 ground and on the floor, saying the brothers</p> <p>8 don't run this place, the brothers aren't the</p> <p>9 boss here, I am.</p> <p>10 Q The brothers being you and Gary? 11:28:46AM</p> <p>11 A Me and Gary. 11:28:48AM</p> <p>12 Q Now, I may not be the brightest bulb 11:28:49AM</p> <p>13 in the shed, but don't you need a search warrant</p> <p>14 to go into a private establishment to search for</p> <p>15 drugs?</p> <p>16 A Yes, you do. 11:29:00AM</p> <p>17 Q Did Mr. Lamm have a search warrant at 11:29:01AM</p> <p>18 the time, to your knowledge?</p> <p>19 A No. 11:29:04AM</p> <p>20 Q Did Mr. Lamm ever explain to you why 11:29:06AM</p> <p>21 he was going into that restaurant for drugs?</p> <p>22 MR. GRAFF: Objection. 11:29:13AM</p> <p>23 A I never, ever asked him anything about 11:29:14AM</p> <p>24 that.</p> <p>25 Q Okay. 11:29:17AM</p>

Page 528

1 **RICHARD BOSETTI**

2 A I didn't even want to get into it with 11:29:18AM

3 him.

4 **Q Okay. And when he said the Bosetti 11:29:22AM**

5 **brothers aren't the boss, I am, what did you**

6 **take that to mean?**

7 MR. GRAFF: Objection. 11:29:32AM

8 A That the people respect -- respected 11:29:35AM

9 me and Gary to the point that they trusted us

10 and whenever any cop, were they're going in and

11 hassling for some reason or another, even if

12 it's for loud noise or anything else, and people

13 on the street also would say -- they'd say, you

14 know, we know the brothers. What are you doing?

15 They wouldn't do that. And that's probably what

16 caused a lot of the animosity. We were invited

17 to parties; we were invited to functions.

18 **Q What do you mean, animosity? 11:30:17AM**

19 A In other words, I'm enjoying carrying 11:30:22AM

20 out the functions as a police officer and I'm

21 having a good time doing it, without getting

22 agita, high blood pressure and making myself

23 nervous trying to enforce the laws by being mean

24 to people.

25 **Q Now, did you ever form the opinion 11:30:48AM**

Page 529

1 **RICHARD BOSETTI**

2 **that Mr. Fiorillo didn't like you?**

3 A Oh, yeah. 11:30:53AM

4 **Q Now, did you form that opinion before 11:30:54AM**

5 **the Halloween incident?**

6 A Yeah. 11:30:58AM

7 **Q What was the basis for the opinion 11:30:59AM**

8 **before the Halloween incident that Mr. Fiorillo**

9 **didn't like you?**

10 A Because Mr. Fiorillo was pissed off 11:31:05AM

11 that he was always being yelled at by the

12 supervisor and he'd have to go -- he'd get

13 punished or he'd have to clean up the car or,

14 you know, that the supervisor trusted us more

15 for handling certain jobs than him because he

16 didn't have a knack for talking to people.

17 **Q Supervisor being who? 11:31:26AM**

18 A Probably George Hesse and Paradiso, 11:31:30AM

19 except for when it came to summonses, then

20 they -- Paradiso trusted him more.

21 **Q All right. So let's break this down. 11:31:38AM**

22 **Paradiso, to your knowledge, again, 11:31:41AM**

23 **based upon your own eyewitnessing or hearing it**

24 **take place in the moment, Paradiso would, at**

25 **times, punish Mr. Fiorillo, to use your words?**

Page 530

1 **RICHARD BOSETTI**

2 A No. No.. 11:31:55AM

3 **Q No? 11:31:56AM**

4 A Paradiso -- they were Paradiso's pet. 11:31:57AM

5 He gave out the numbers, they gave out the

6 tickets.

7 **Q What do you mean, Fiorillo was 11:32:04AM**

8 **Paradiso's pet?**

9 A In other words, if George were to 11:32:07AM

10 scold them or if he saw me and my brother doing

11 anything that was not to his liking, you know,

12 he might even complain the Bosetti brothers

13 never give out a lot of summonses. He would run

14 to the chief, like chit, chit, chit, chit, you

15 know.

16 **Q Now, again, I'm not -- I don't want 11:32:22AM**

17 **you to tell me anything that you may have heard**

18 **someone else tell you. Did you ever witness**

19 **Fiorillo run to the chief and complain about**

20 **you?**

21 A No, but I witnessed the chief come in, 11:32:31AM

22 like skipping, holding -- not holding his

23 summonses, but going, 30 summons last night from

24 Fiorillo. You know, one of these.

25 **Q Okay. And did -- and was Fiorillo 11:32:45AM**

Page 531

1 **RICHARD BOSETTI**

2 **upset that he wasn't Hesse's pet?**

3 MR. GRAFF: Objection. 11:32:52AM

4 BY MR.. NOVIKOFF: 11:32:52AM

5 **Q Well, was Fiorillo Hesse's pet, in 11:32:52AM**

6 **your opinion?**

7 A Well, I think sergeant Hesse trusted 11:32:55AM

8 us a lot more and the other officers than he

9 would ever trust Lamm and Fiorillo.

10 **Q We're just sticking with Fiorillo now. 11:33:05AM**

11 A With Fiorillo. 11:33:09AM

12 **Q And how about Lamm? Before the 11:33:10AM**

13 **Halloween incident, did you have the opinion**

14 **that Lamm didn't like you?**

15 A I had the opinion that, yeah, after 11:33:18AM

16 talking -- yeah, I had the opinion that Lamm

17 didn't like me. I also had the --

18 **Q No, no. That's all I'm asking you. 11:33:27AM**

19 **Now, what was the basis of your 11:33:29AM**

20 **opinion, again, before the Halloween incident**

21 **that Lamm didn't like you?**

22 A Same thing. The same thing. The 11:33:36AM

23 summonses.

24 **Q That George punished him sometimes? 11:33:39AM**

25 MR. GRAFF: Objection. 11:33:42AM

Page 532

1 RICHARD BOSETTI
2 A Yeah. That he was always being 11:33:42AM
3 scolded about how he talked to people, how he
4 spoke to people.
5 Q Did Hesse ever punish Lamm -- 11:33:48AM
6 MR. GRAFF: Objection. 11:33:50AM
7 BY MR. NOVIKOFF: 11:33:50AM
8 Q -- in your -- 11:33:50AM
9 MR. NOVIKOFF: Wait. 11:33:54AM
10 One, I didn't finish the question. So 11:33:54AM
11 I'm going to finish it, and then if you want
12 to object, by all means.
13 BY MR. NOVIKOFF: 11:34:00AM
14 Q Did you ever witness George punish 11:34:01AM
15 Lamm?
16 A I know that George wanted to punish 11:34:08AM
17 Lamm --
18 Q I'm not asking you what you know. Did 11:34:15AM
19 you ever witness George punish Lamm?
20 A No, sir. 11:34:19AM
21 Q Okay. Did George ever tell you he 11:34:19AM
22 wanted to punish Lamm?
23 A George told me many times he couldn't 11:34:23AM
24 believe what assholes those two guys were.
25 Q Now, again, this is before the 11:34:28AM

Page 533

1 RICHARD BOSETTI
2 Halloween incident?
3 A Yes. 11:34:30AM
4 Q When did George -- under what 11:34:31AM
5 circumstances do you recall George telling you
6 he couldn't believe what asshole Lamm was?
7 A After about -- Lamm? 11:34:41AM
8 Q We're talking about Lamm now. 11:34:44AM
9 A Yeah. Just in general, as time went 11:34:47AM
10 on, more and more he would say Lamm's a freakin'
11 idiot.
12 Q Again, I'm only caring about before 11:34:56AM
13 the Halloween incident.
14 A Okay. Yeah. 11:35:00AM
15 Q Now, before the Halloween incident -- 11:35:01AM
16 and you know what I'm talking about?
17 A Yes. 11:35:04AM
18 Q Okay. Because Mr. Goodstadt spent a 11:35:05AM
19 lot of time yesterday on it.
20 A Yes, he did. 11:35:09AM
21 Q Before the Halloween -- 11:35:10AM
22 MR. GRAFF: You're clarifying that we 11:35:11AM
23 know what the Halloween incident is?
24 MR. NOVIKOFF: I don't know what 11:35:14AM
25 you're talking about. I think the witness

Page 534

1 RICHARD BOSETTI
2 knows what I'm talking about. If you want
3 to take the chair, by all means.
4 BY MR. NOVIKOFF: 11:35:21AM
5 Q Mr. Bosetti -- 11:35:21AM
6 A Yes, sir. 11:35:22AM
7 Q -- before the Halloween incident, did 11:35:22AM
8 you ever hear Hesse say to you that Lamm is an
9 asshole?
10 A Yes, many times. 11:35:33AM
11 Q Do you recall why Hesse called Lamm an 11:35:34AM
12 asshole?
13 MR. GRAFF: Objection. 11:35:41AM
14 A By the way he spoke to people. By the 11:35:42AM
15 things he had done, like the illegal search.
16 Just his overall outlook and discretion and how
17 he handled jobs.
18 Q I'm assuming that's your opinion. 11:35:58AM
19 A Yes. 11:36:00AM
20 Q And I appreciate that, but my question 11:36:00AM
21 is a little bit more focused.
22 In your presence, did Hesse ever 11:36:05AM
23 explain to you why he thought Lamm was an
24 asshole?
25 A Yeah, sure, many times. 11:36:15AM

Page 535

1 RICHARD BOSETTI
2 Q What would Hesse say to you in those 11:36:16AM
3 circumstances when he called Lamm an asshole,
4 prior to the Halloween incident?
5 MR. GRAFF: Objection. 11:36:24AM
6 MR. NOVIKOFF: What's the basis for 11:36:26AM
7 the objection?
8 MR. GRAFF: You can ask him what did 11:36:28AM
9 Hesse say to him. What would Hesse say is a
10 different question. It's calling for
11 speculation.
12 MR. NOVIKOFF: Okay. I'll rephrase 11:36:36AM
13 it. I don't think it was objectionable.
14 BY MR. NOVIKOFF: 11:36:39AM
15 Q In your presence, what did Hesse say 11:36:40AM
16 to you as to why he just called Lamm an asshole?
17 A One of the things were that he can't 11:36:51AM
18 believe how much Mace he's using.
19 Q Okay. Give me another example. 11:36:56AM
20 A I can't believe how he talks to 11:37:02AM
21 people.
22 Q Okay. Give me another example. 11:37:04AM
23 A I can't believe he rides around in a 11:37:12AM
24 vehicle all night. He should be in the office
25 sometimes, not being out there, always looking

Page 536

1 RICHARD BOSETTI
2 for people to summons.
3 **Q Okay. How about Fiorillo? Did Hesse, 11:37:22AM**
4 **in your presence ever call Fiorillo an asshole**
5 **prior to the Halloween incident?**
6 A He may not have used the word 11:37:37AM
7 "asshole." It could've been jerk.
8 **Q Okay, that's fine. Well, let me break 11:37:41AM**
9 **it down. Let me broaden the word.**
10 **In your presence prior to the 11:37:45AM**
11 **Halloween incident, did Hesse ever use a**
12 **derogatory term with regard to Mr. Fiorillo?**
13 A Yes. 11:37:55AM
14 **Q Okay. Give me an example. 11:37:55AM**
15 A I can't believe this asshole, he's 11:37:58AM
16 going out banging everybody for stupid reasons.
17 **Q "Banging" meaning what? 11:38:02AM**
18 A Summonses. 11:38:04AM
19 **Q Okay. Any other examples? 11:38:05AM**
20 A I'm sure I could think of some, but 11:38:13AM
21 right now -- some, but right now I'm at a --
22 **Q Okay. If I gave you a couple of 11:38:18AM**
23 **minutes to think about it, do you think you**
24 **could come up with some more examples?**
25 A Okay. One was what I told you -- what 11:38:25AM

Page 537

1 RICHARD BOSETTI
2 I brought up yesterday.
3 **Q Which was? 11:38:27AM**
4 A When Frank embarrassed the hell out of 11:38:27AM
5 him with the new recruits in the vehicle.
6 **Q Okay. And can you think of any 11:38:34AM**
7 **others?**
8 A When Frank refused or started crying 11:38:38AM
9 when he was asked to clean out the cells, which
10 was the night that the filing cabinet was put by
11 my bed.
12 **Q Okay. Anything else? 11:38:51AM**
13 MR. GRAFF: Objection. 11:38:54AM
14 MR. NOVIKOFF: To what? 11:38:54AM
15 MR. GRAFF: It's not clear what you're 11:38:55AM
16 asking the witness.
17 MR. NOVIKOFF: You're kidding me? 11:38:58AM
18 MR. GRAFF: No. 11:38:59AM
19 MR. NOVIKOFF: When I say anything 11:39:02AM
20 else with regard to the question about
21 giving me examples, that's not clear? You
22 want me to repeat the same question every
23 time? I can do that.
24 MR. GRAFF: It's not clear if you're 11:39:12AM
25 asking him to expand on the last example or

Page 538

1 RICHARD BOSETTI
2 with regard to another example or start
3 another --
4 MR. NOVIKOFF: Okay. 11:39:17AM
5 BY MR. NOVIKOFF: 11:39:17AM
6 **Q Any other examples, Mr. Bosetti, where 11:39:18AM**
7 **you heard Mr. Hesse speak of Mr. Fiorillo in a**
8 **derogatory term, other than what you've just**
9 **testified to?**
10 A There would be a couple of times where 11:39:30AM
11 he'd say, go get Frank, he's probably hanging
12 out in the candy shop.
13 **Q Okay. And in your opinion, Mr. Hesse 11:39:41AM**
14 **said that in a derogatory manner?**
15 A Yes. 11:39:47AM
16 **Q Okay. How about with Mr. Nofi? In 11:39:48AM**
17 **your presence, did Mr. Hesse, again prior to the**
18 **Halloween incident, ever speak of Mr. Nofi in a**
19 **derogatory manner?**
20 A Well, in one instant, he said 11:40:01AM
21 something that just about covers it all.
22 **Q What did he say? 11:40:08AM**
23 A I can't believe how fucking stupid 11:40:10AM
24 that guy is.
25 **Q Okay. What was the basis, according 11:40:13AM**

Page 539

1 RICHARD BOSETTI
2 to Mr. Hesse, if he provided any, for his
3 statement that he can't believe how F'in stupid
4 Nofi was?
5 A I can't recall the instance to that. 11:40:24AM
6 **Q Okay. But that was before the 11:40:26AM**
7 **Halloween incident?**
8 A Yes. 11:40:30AM
9 **Q How about Snyder? 11:40:31AM**
10 **Hold on. Before there's an objection, 11:40:32AM**
11 **do you recall Mr. Hesse ever speaking in a**
12 **derogatory manner about Mr. Snyder in your**
13 **presence prior to the Halloween incident?**
14 A Yes. 11:40:45AM
15 **Q Can you give me some examples of when 11:40:46AM**
16 **Mr. Hesse spoke in your presence concerning**
17 **Mr. Snyder in a derogatory manner prior to the**
18 **Halloween incident?**
19 A I wish Snyder would get it all 11:41:00AM
20 together and get in on time.
21 **Q Did Mr. Hesse say anything with regard 11:41:04AM**
22 **to that statement that you just made in your**
23 **presence?**
24 A Yes. 11:41:12AM
25 **Q What did he say? 11:41:13AM**

Page 540

1 **RICHARD BOSETTI**

2 A If Snyder would get in on time, you 11:41:16AM

3 guys could leave on time.

4 Q Okay. What were the circumstances 11:41:20AM

5 that precipitated Mr. Hesse saying that, if you

6 know?

7 A No. I'd have to -- this is just as 11:41:25AM

8 time went on, it was always statements like

9 that, not only from Mr. Hesse, but other

10 officers.

11 Q I'm only asking you about Mr. Hesse 11:41:34AM

12 now.

13 A Sure. 11:41:36AM

14 Q Now, with regard to Mr. Carter, did 11:41:37AM

15 Mr. Hesse, prior to the Halloween incident, make

16 any statements to you that referred to

17 Mr.. Carter in a derogatory manner?

18 A Yes. 11:41:50AM

19 Q What were those statements? 11:41:50AM

20 A You know, that fucking guy sleeps all 11:41:53AM

21 night.

22 Q Okay. And did Mr. Hesse ever say 11:41:55AM

23 anything to you in addition to that in a

24 derogatory way concerning Mr. Carter?

25 A No, that was -- that was probably 11:42:03AM

Page 541

1 **RICHARD BOSETTI**

2 about it.

3 Q Okay. So, based on your conversations 11:42:05AM

4 with Mr. Hesse prior to the Halloween incident,

5 do you have an opinion as to whether Mr. Hesse

6 respected any of the five plaintiffs here as

7 police officers?

8 MR. CONNOLLY: Objection. 11:42:26AM

9 A Can I answer? 11:42:30AM

10 Q Yes. 11:42:31AM

11 A The only one -- 11:42:32AM

12 Q The question is yes or no. Do you 11:42:32AM

13 want me to repeat the question?

14 A Yeah. Because if I say it -- all 11:42:37AM

15 right. Most --

16 Q Well, let's break it down. 11:42:43AM

17 A Repeat your question. 11:42:44AM

18 Q Let me break it down. 11:42:45AM

19 A Or rephrase it. 11:42:47AM

20 Q Sure. Sure. 11:42:48AM

21 Let's start with Mr. Fiorillo, and 11:42:49AM

22 again, only because he's here.

23 A Yeah. 11:42:53AM

24 Q In your -- do you have an opinion as 11:42:54AM

25 to whether or not, prior to the Halloween

Page 542

1 **RICHARD BOSETTI**

2 incident, Mr. Hesse respected Mr. Fiorillo as a

3 police officer?

4 A Never. 11:43:04AM

5 Q Okay. 11:43:05AM

6 MR. CONNOLLY: Objection. 11:43:06AM

7 BY MR. NOVIKOFF: 11:43:11AM

8 Q And what would be the basis for that 11:43:12AM

9 opinion?

10 A What we discussed before, the handling 11:43:15AM

11 of jobs.

12 Q The way who was handling -- 11:43:21AM

13 A Spoke to people. 11:43:23AM

14 Q The way Mr. Fiorillo was handling the 11:43:24AM

15 jobs?

16 A Yes. 11:43:26AM

17 Q Okay. With regard to Mr. Lamm, same 11:43:26AM

18 question. Prior to the Halloween incident, do

19 you have an opinion as to whether or not

20 Mr. Hesse -- now, again, only based upon your

21 interaction with Mr. Hesse -- had an opinion as

22 to whether or not Mr. Lamm was a good police

23 officer?

24 A Sergeant Hesse never thought that Lamm 11:43:44AM

25 was a good police officer.

Page 543

1 **RICHARD BOSETTI**

2 Q Same question with regard to Carter. 11:43:49AM

3 First, did you have an opinion based upon your

4 interactions with Mr. Hesse?

5 A Yes. He probably -- he thought that 11:43:57AM

6 Carter wasn't a good police officer either,

7 because his main basis for the job was to come

8 in and sleep.

9 Q Okay. Now, you've got to slow down. 11:44:06AM

10 Was your answer that he thought that 11:44:07AM

11 Mr. Carter wasn't a good police officer?

12 A Mr. Carter was not a good police 11:44:10AM

13 officer.

14 Q Same question with regard to Snyder. 11:44:13AM

15 Based only upon your interactions with Hesse and

16 nothing else, do you have an opinion as to

17 whether Hesse believed that Carter was a good

18 police officer prior to the Halloween incident?

19 MR. CONNOLLY: Objection. 11:44:29AM

20 A Did we Carter? You mean Snyder? 11:44:30AM

21 Q Snyder, yes. 11:44:33AM

22 A Snyder is the closest, he probably 11:44:36AM

23 believed, of any of them to be anything near

24 resembling a police officer.

25 Q And why is that? Again, based solely 11:44:45AM

Page 544

1 **RICHARD BOSETTI**
2 **upon your interactions with Hesse.**
3 A Because Snyder would be more like the 11:44:51AM
4 secretaryish type. He wanted to be on the front
5 desk to do the radios so he didn't have to
6 waddle down the street.
7 **Q Okay. Now, with regards to Nofi, 11:45:03AM**
8 **based upon your interaction only with Hesse**
9 **prior to the Halloween incident, do you have an**
10 **opinion as to whether Hesse thought that Nofi**
11 **was a good police officer?**
12 A Hesse thought that Nofi, Nofi was a 11:45:16AM
13 terrible police officer.
14 **Q Okay. Now, in 2002, did Mr. Hesse 11:45:21AM**
15 **have a superior?**
16 A Yes, Ed Paradiso. 11:45:28AM
17 **Q Okay. To your knowledge, did 11:45:30AM**
18 **Mr. Paradiso have the -- have the final**
19 **authority as between him and Mr. Hesse to hire**
20 **and fire officers?**
21 A Yes. 11:45:42AM
22 **Q 2003, same question. Did Mr. Hesse 11:45:44AM**
23 **have a superior?**
24 A Yes. 11:45:50AM
25 **Q And who was that? 11:45:50AM**

Page 545

1 **RICHARD BOSETTI**
2 A Paradiso. 11:45:52AM
3 **Q And based upon your interaction with 11:45:52AM**
4 **Hesse and Paradiso and as between the two of**
5 **them, did Paradiso have the ultimate authority**
6 **as to whether someone should be hired or fired?**
7 A Paradiso had the authority. 11:46:07AM
8 **Q 2004. Did Hesse have a superior? 11:46:09AM**
9 A Yes. 11:46:13AM
10 **Q Who was that? 11:46:13AM**
11 A Paradiso. 11:46:14AM
12 **Q And when -- based upon your 11:46:15AM**
13 **interaction with Hesse and Paradiso in 2004, did**
14 **Paradiso have the ultimate authority as to**
15 **hiring and firing police officers?**
16 MR. GRAFF: Objection. 11:46:29AM
17 A Yes. 11:46:30AM
18 MR. NOVIKOFF: What was different 11:46:31AM
19 between 2002 and 2003, when you had no
20 objection, and 2004?
21 MR. GRAFF: I should've objected to 11:46:35AM
22 the earlier ones too.
23 MR. NOVIKOFF: Yeah. Maybe. 11:46:39AM
24 BY MR. NOVIKOFF: 11:46:40AM
25 **Q Okay. 2005. 11:46:40AM**

Page 546

1 **RICHARD BOSETTI**
2 A Yes. 11:46:43AM
3 **Q Did Mr. Hesse, while you worked there 11:46:45AM**
4 **during the season, have a superior, to your**
5 **knowledge?**
6 A I'm not sure if Paradiso was gone yet, 11:46:55AM
7 but -- I'm not sure what year Paradiso left.
8 **Q Okay. Was Paradiso there, to your 11:47:02AM**
9 **knowledge, during the April organization meeting**
10 **in 2005?**
11 A April organization meeting? Is that 11:47:14AM
12 when the officers were told they weren't coming
13 back?
14 **Q No, that was April 2006. 11:47:20AM**
15 A Yeah, Paradiso was the chief then. 11:47:22AM
16 **Q In 2005, in April? 11:47:24AM**
17 A Yes. 11:47:27AM
18 **Q Okay. And in 2006, in April, to your 11:47:27AM**
19 **knowledge, did Hesse have a superior?**
20 A No, not probably for a good part of 11:47:35AM
21 it, if any.
22 **Q Right. Okay. 11:47:40AM**
23 THE VIDEOGRAPHER: The time is 11:49. 11:48:04AM
24 We are going off the record.
25 (Whereupon, a discussion was held off 11:48:08AM

Page 547

1 **RICHARD BOSETTI**
2 the record.)
3 THE VIDEOGRAPHER: The time is 11:55. 11:54:49AM
4 We are back on the record.
5 BY MR. NOVIKOFF: 11:54:53AM
6 **Q Mr. Bosetti, Mr. Goodstadt asked you a 11:54:56AM**
7 **number of questions yesterday concerning the**
8 **codes of Ocean Beach.**
9 **Do you recall those? 11:55:06AM**
10 A Yes. 11:55:08AM
11 **Q Just discussing that with 11:55:08AM**
12 **Mr. Goodstadt?**
13 A Are you talking about the radio codes? 11:55:11AM
14 **Q Yes. 11:55:13AM**
15 A Yes. 11:55:15AM
16 **Q Again, I don't want to characterize 11:55:15AM**
17 **your testimony. It is what it is.**
18 A Yeah. 11:55:18AM
19 **Q You indicated -- well, what do radio 11:55:19AM**
20 **codes mean as they are applied in the police**
21 **world?**
22 A Radio codes mean you don't have to 11:55:29AM
23 actually say the words, you can say a number.
24 It's easier to write down. It take up a lot
25 less space. A little faster to say it.

Page 548

1 RICHARD BOSETTI

2 Q All right. And you said you knew at 11:55:42AM

3 the time the important codes of Ocean Beach?

4 A Yes. 11:55:45AM

5 Q Okay. What, in your opinion, were the 11:55:45AM

6 important codes?

7 A One important code, a 10/1. 11:55:48AM

8 Q Okay. Which was what? 11:55:50AM

9 A Officer needs assistance. 11:55:52AM

10 Q Okay. What were other important codes 11:55:53AM

11 that you knew?

12 A I don't recall the codes. 11:55:56AM

13 Q Well, maybe you don't recall the 11:55:59AM

14 numbers.

15 A Oh. 11:56:01AM

16 Q What important descriptions did you 11:56:02AM

17 know the codes to when you worked at Ocean

18 Beach?

19 MR. GRAFF: Objection. 11:56:06AM

20 MR.. NOVIKOFF: Basis? 11:56:08AM

21 MR. GRAFF: You're characterizing it 11:56:09AM

22 now as important codes. If you want to go

23 by the codes that he considered to be

24 important.

25 MR. NOVIKOFF: Well, no. 11:56:15AM

Page 549

1 RICHARD BOSETTI

2 BY MR. NOVIKOFF: 11:56:16AM

3 Q My question is what descriptions that 11:56:15AM

4 had codes to it --

5 A Yeah. 11:56:19AM

6 Q -- did you view to be important for 11:56:20AM

7 which you knew the codes to while you were

8 working?

9 A Codes we used every day were AIDED. 11:56:25AM

10 Q What does that mean? 11:56:34AM

11 A Which means a person needs medical 11:56:35AM

12 assistance.

13 Q Okay. And you knew the code at the 11:56:38AM

14 time?

15 A Yes, sir. 11:56:41AM

16 Q What other description did you believe 11:56:41AM

17 at the time was important did you know the code

18 to?

19 A Lunch. 11:56:48AM

20 Q Okay. How about anything else? 11:56:48AM

21 A A fight, disturbance. 11:56:54AM

22 Q Okay. Anything else that you knew the 11:56:56AM

23 code to?

24 A Noise violation. 11:56:59AM

25 Q Okay. Now, did any other officer, to 11:57:01AM

Page 550

1 RICHARD BOSETTI

2 your knowledge, ever complain to Hesse about you

3 not knowing the codes?

4 A Not to my knowledge. 11:57:13AM

5 Q Okay.. To your knowledge, did any 11:57:14AM

6 other officer complain to Paradiso about you not

7 knowing the codes?

8 A Not to my knowledge. 11:57:22AM

9 Q Did any of the plaintiffs ever 11:57:27AM

10 complain to you about you not knowing the codes?

11 A No. 11:57:33AM

12 Q Did you ever fail to arrive at a 11:57:34AM

13 potential crime situation because you didn't

14 know a code?

15 MR. GRAFF: Objection. 11:57:44AM

16 A No. 11:57:45AM

17 MR. NOVIKOFF: What was the objection? 11:57:45AM

18 I mean, I get you don't like the answer.

19 But what's the objection?

20 MR. GRAFF: Did he ever fail to arrive 11:57:55AM

21 on time in whose opinion? Was he told that

22 he --

23 MR. NOVIKOFF: His opinion. 11:57:59AM

24 MR. GRAFF: Okay. 11:58:00AM

25 MR. NOVIKOFF: I'm just asking him. 11:58:01AM

Page 551

1 RICHARD BOSETTI

2 BY MR. NOVIKOFF: 11:58:01AM

3 Q Did you -- I'll say it again, 11:58:01AM

4 Mr. Bosetti.

5 Did you ever not go to a crime scene 11:58:05AM

6 because you didn't know the code?

7 A No. 11:58:15AM

8 Q Did you ever get to a crime scene late 11:58:15AM

9 because you didn't know the code?

10 A No. 11:58:22AM

11 Q Did you ever put a citizen in 11:58:22AM

12 jeopardy, to your knowledge, because you didn't

13 know a code?

14 MR. GRAFF: Objection. 11:58:32AM

15 A No. 11:58:33AM

16 MR. GRAFF: Put a citizen in jeopardy 11:58:38AM

17 is ambiguous.

18 MR.. NOVIKOFF: I'll try it again. 11:58:46AM

19 BY MR. NOVIKOFF: 11:58:47AM

20 Q Mr. Bosetti, to your knowledge, did 11:58:47AM

21 any citizen suffer any injury because you didn't

22 know a code?

23 A No. 11:59:00AM

24 Q When Mr. Hesse, according, I believe, 11:59:14AM

25 to your testimony, told you to learn the damn

Page 552	Page 554
<p>1 RICHARD BOSETTI</p> <p>2 codes, do you know why he said that to you?</p> <p>3 MR. GRAFF: Objection. 11:59:24AM</p> <p>4 MR. NOVIKOFF: To what? 11:59:25AM</p> <p>5 A Mainly -- 11:59:28AM</p> <p>6 MR. NOVIKOFF: Hold on. 11:59:29AM</p> <p>7 To what? 11:59:30AM</p> <p>8 MR. GRAFF: If he knows what Hesse's 11:59:31AM</p> <p>9 motives were for making the comments.</p> <p>10 MR. NOVIKOFF: That's the essence of 11:59:36AM</p> <p>11 the question.</p> <p>12 MR. GRAFF: Do you ask him whether he 11:59:38AM</p> <p>13 explained that to him?</p> <p>14 MR. NOVIKOFF: Counsel, the question 11:59:42AM</p> <p>15 was does he know why Hesse said that to him.</p> <p>16 His answer would be either yes or no. If</p> <p>17 his answer is no, I don't go any further.</p> <p>18 If his answer is yes, then I will say what</p> <p>19 is the basis for your knowledge. So I'm</p> <p>20 going to repeat the question. You can keep</p> <p>21 your objection, if you'd like.</p> <p>22 BY MR. NOVIKOFF: 12:00:00PM</p> <p>23 Q Sir, when you testified yesterday that 12:00:00PM</p> <p>24 Hesse said, in sum or substance, learn the damn</p> <p>25 codes --</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q You were working when he did that? 12:01:01PM</p> <p>3 A Yes. 12:01:02PM</p> <p>4 Q And did you respond? 12:01:04PM</p> <p>5 A I was on my way to respond. I think 12:01:07PM</p> <p>6 it was called off by one of the other officers</p> <p>7 working that night.</p> <p>8 Q Okay. 12:01:13PM</p> <p>9 A As nonsense. 12:01:13PM</p> <p>10 Q Did you at that time not know what a 12:01:14PM</p> <p>11 10/1 was?</p> <p>12 A Oh, I knew what a 10/1 was. 12:01:18PM</p> <p>13 Q What's an officer down in New York 12:01:21PM</p> <p>14 City code?</p> <p>15 A 10/13. 12:01:24PM</p> <p>16 Q Okay. And do you know who called off 12:01:25PM</p> <p>17 the 10/1?</p> <p>18 A No. It was one of the officers on the 12:01:28PM</p> <p>19 4 to 12.</p> <p>20 Q Did you ever find out what 12:01:31PM</p> <p>21 precipitated Mr. Nofi saying a 10/1 on the</p> <p>22 radio?</p> <p>23 A I know he had some kind of 12:01:37PM</p> <p>24 confrontation over by the boat house, and I</p> <p>25 think it went on to be nonsense.</p>
Page 553	Page 555
<p>1 RICHARD BOSETTI</p> <p>2 A Yes. 12:00:06PM</p> <p>3 Q -- do you know why Mr. Hesse said that 12:00:07PM</p> <p>4 to you?</p> <p>5 MR. GRAFF: Objection. 12:00:09PM</p> <p>6 BY MR. NOVIKOFF: 12:00:09PM</p> <p>7 Q Yes or no? 12:00:10PM</p> <p>8 MR. GRAFF: Objection. 12:00:13PM</p> <p>9 A Hesse said that jokingly. He just 12:00:13PM</p> <p>10 said, learn the codes, you screwball.</p> <p>11 Q Okay. When you say Hesse, in your 12:00:18PM</p> <p>12 opinion, said that jokingly, what precipitated</p> <p>13 Hesse saying that to you?</p> <p>14 A Maybe I was listening to the radio and 12:00:25PM</p> <p>15 a number came over Suffolk County, and I turned</p> <p>16 to George and said, what's that? And he would</p> <p>17 go, would you learn the codes.</p> <p>18 Q To your knowledge -- well, did Nofi 12:00:44PM</p> <p>19 ever -- well, what was the -- was there a code</p> <p>20 for officer in danger? Is that a 10/1?</p> <p>21 A Yeah, that would be 10/1. 12:00:53PM</p> <p>22 Q Did Nofi ever issue a 10/1 on a radio? 12:00:55PM</p> <p>23 A Yes. 12:00:58PM</p> <p>24 Q And you heard it? 12:00:58PM</p> <p>25 A Yes. 12:01:00PM</p>	<p>1 RICHARD BOSETTI</p> <p>2 Q And who told you this? 12:01:46PM</p> <p>3 A Whoever the officer was working that 12:01:50PM</p> <p>4 night.</p> <p>5 Q Okay. And how about Fiorillo, did 12:01:52PM</p> <p>6 Fiorillo ever issue a 10/1 that you heard on the</p> <p>7 radio?</p> <p>8 A If he didn't use the term "10/1," he 12:01:59PM</p> <p>9 said I need a couple of officers down here.</p> <p>10 Q Oh, so you recall Mr. Fiorillo on some 12:02:03PM</p> <p>11 occasions not to use the code, but just it to --</p> <p>12 A Oh, sure. 12:02:11PM</p> <p>13 Q -- but just to describe what he 12:02:12PM</p> <p>14 needed?</p> <p>15 A Yeah. 12:02:14PM</p> <p>16 Q Okay. How about Carter, did you ever 12:02:15PM</p> <p>17 hear Carter use the 10/1 code on the radio?</p> <p>18 Again, only what you heard on the radio with</p> <p>19 your own ears.</p> <p>20 A No. 12:02:27PM</p> <p>21 Q Same question, Snyder.. 12:02:28PM</p> <p>22 A No. 12:02:38PM</p> <p>23 Q Same question, Lamm. 12:02:38PM</p> <p>24 A Yes. 12:02:40PM</p> <p>25 Q Okay. When did you hear Mr. Lamm -- 12:02:40PM</p>

25 (Pages 552 to 555)

Page 556

1 **RICHARD BOSETTI**
2 well, how many times, if more than one, did
3 Mr. Lamm issue a 10/1 on the radio that you
4 heard?
5 A I can't put a number on it, but it was 12:02:49PM
6 quite a few times. He always got into some
7 nonsense.
8 Q And were you ever -- did you respond 12:02:58PM
9 to those 10/1 calls?
10 A Yeah, unless they were called off. 12:03:02PM
11 Q Okay. And in your opinion, were you 12:03:04PM
12 ever untimely in your response because you
13 didn't know what a 10/1 meant?
14 A You never ever take your time on a 12:03:10PM
15 10/1.
16 Q No, but my question -- 12:03:15PM
17 A No, I was never untimely. 12:03:17PM
18 Q Let me just so the record is clear. 12:03:19PM
19 Were you ever untimely when Lamm issued a 10/1
20 on the radio because you didn't know what a 10/1
21 was?
22 A No. 12:03:27PM
23 Q You mentioned, I believe, to 12:03:31PM
24 Mr. Goodstadt that, in your opinion, the cops on
25 the 12 to 8 shift -- I'm sorry, on the midnight

Page 557

1 **RICHARD BOSETTI**
2 to 8 shift -- yeah, that's the 12 to 8 shift --
3 didn't like you and your brother.
4 Do you recall that? 12:03:45PM
5 A Not all of them, yes. 12:03:46PM
6 Q And who were among those officers that 12:03:47PM
7 didn't like you?
8 MR. GRAFF: Objection.. 12:03:51PM
9 A Well, it would be Carter -- 12:03:51PM
10 BY MR. NOVIKOFF: 12:03:53PM
11 Q In your opinion, of course. 12:03:54PM
12 A It would be Carter, it would be Lamm, 12:03:56PM
13 it would be if Frank worked the midnight tour.
14 Q Uh-huh. 12:04:01PM
15 A I really shouldn't have said all of 12:04:02PM
16 them. It was mainly -- mainly those three guys.
17 They worked the midnight tour a lot.
18 Q And why, in your opinion, did they not 12:04:12PM
19 like you and your brother?
20 A For the same reason, jealousy. And 12:04:15PM
21 the other main, main, main reason is if we'd
22 come in after a night of maybe going to a couple
23 of the bars, at 3:30 in the morning, they were
24 pissed that we'd wake them up.
25 Q When they were sleeping where? 12:04:31PM

Page 558

1 **RICHARD BOSETTI**
2 A In the barracks. 12:04:33PM
3 Q Okay. Yeah, describe to me -- because 12:04:34PM
4 I haven't had the pleasure yet of seeing the
5 barracks, and I probably will before this case
6 ever gets to a trial, if it ever gets to a
7 trial. In the relation to the police station,
8 where are the barracks?
9 A Upstairs from the post office. 12:04:47PM
10 Q And in relation to the police station, 12:04:49PM
11 where is the post office?
12 A The post office is on the corner of 12:04:53PM
13 Cottage and Bayview.
14 Q Okay. So how long a walk is it from 12:04:59PM
15 the police station to the barracks?
16 A Two, three blocks. 12:05:03PM
17 Q Okay. How long would it take to walk 12:05:04PM
18 from one end of Ocean Beach to the other?
19 A Up along Bayview, fast walk, three 12:05:10PM
20 minutes, three and a half minutes.
21 Q To walk? 12:05:21PM
22 A Yeah. Maybe not even. 12:05:22PM
23 Q Now, I'm not talking about on a little 12:05:23PM
24 motor car or truck.
25 A Yeah. To walk along Main Street from 12:05:28PM

Page 559

1 **RICHARD BOSETTI**
2 one border -- oh, wait. I'm thinking the town,
3 just where the residential area -- the stores
4 are.
5 Q Right. 12:05:37PM
6 A Brisk walk, five minutes. 12:05:39PM
7 Q And about drive in a little car? 12:05:40PM
8 MR. GRAFF: Objection. Only because 12:05:43PM
9 I'm not clear, are we crossing town
10 north-south or east-west. I don't know if
11 that makes a difference.
12 MR. NOVIKOFF: From one end of the 12:05:51PM
13 island.
14 THE WITNESS: East to west. 12:05:54PM
15 BY MR. NOVIKOFF: 12:05:55PM
16 Q East to west. I'll get to north and 12:05:55PM
17 south. But east to west, how long of a walk?
18 A From one end all the way to the other 12:06:02PM
19 end, maybe about five minutes, a little less.
20 Q North and south. 12:06:07PM
21 A North and south, depending on which 12:06:10PM
22 block, brisk walk, maybe about six minutes.
23 Q And that's -- that was -- if I 12:06:17PM
24 understand the situation correctly, was the
25 geographical limit of where you guys were

Page 560

1 **RICHARD BOSETTI**
2 **patrolling?**
3 A Yes. 12:06:29PM
4 **Q Okay. And how about just the town 12:06:30PM**
5 **itself, where you used to have the stores, how**
6 **long a walk from east to west?**
7 MR. GRAFF: Objection. 12:06:41PM
8 A Brisk walk, three minutes. 12:06:42PM
9 **Q North and south? 12:06:44PM**
10 A Not even. North to south -- 12:06:44PM
11 **Q Yes. 12:06:47PM**
12 A -- from where the stores are? Six 12:06:47PM
13 minutes.
14 **Q Okay. Now, were you ever drunk on 12:06:50PM**
15 **duty?**
16 A No, sir. 12:07:06PM
17 **Q Did you ever notice any officers drunk 12:07:09PM**
18 **on duty?**
19 A No, sir. 12:07:14PM
20 **Q Other than when you were waiting to be 12:07:21PM**
21 **relieved -- withdrawn.**
22 **Do you remember talking to 12:07:29PM**
23 **Mr. Goodstadt about that period of time --**
24 A Right. 12:07:33PM
25 **Q -- when you were waiting to be 12:07:33PM**

Page 561

1 **RICHARD BOSETTI**
2 **relieved?**
3 **So the jury is clear, when you were in 12:07:36PM**
4 **that period of time waiting to relieved that you**
5 **were talking to Mr. Goodstadt yesterday, were**
6 **you on duty or off duty, in your opinion?**
7 A I was off duty. 12:07:47PM
8 **Q Now, why would you say you were off 12:07:48PM**
9 **duty?**
10 A Because I was already in my street 12:07:51PM
11 clothes.
12 **Q And it would be in those occasions, 12:07:53PM**
13 **when you were waiting to be relieved, that you**
14 **testified, if I understand correctly, that you**
15 **had a beer from time to time?**
16 A Yes. 12:07:59PM
17 **Q Okay. Did you ever get drunk in that 12:08:00PM**
18 **period of time waiting to go be relieved?**
19 A No. 12:08:05PM
20 **Q Okay. Did you ever -- just because it 12:08:05PM**
21 **got a little confusing yesterday. Again, I'm**
22 **not the brightest bulb. Did you ever drink --**
23 **except when you may have gone to a barbecue, did**
24 **you ever drink while you were on duty?**
25 A Maybe if I had a meatball hero or a 12:08:20PM

Page 562

1 **RICHARD BOSETTI**
2 sandwich, during my lunch.
3 **Q During your lunch? 12:08:24PM**
4 A Yeah. 12:08:25PM
5 **Q You would have a beer? 12:08:26PM**
6 A One beer. 12:08:27PM
7 **Q Light beer? 12:08:29PM**
8 A Yes. 12:08:30PM
9 **Q Were you ever concerned that that 12:08:30PM**
10 **would put you into an inebriated state?**
11 A No. 12:08:36PM
12 **Q Were you ever concerned that that one 12:08:36PM**
13 **light beer would cause you not to be effective**
14 **in your responsibilities?**
15 A No. 12:08:42PM
16 **Q Did you try to hide the fact you were 12:08:42PM**
17 **having a beer when you were having your meatball**
18 **hero during lunch?**
19 A No. 12:08:51PM
20 **Q Where would you have your meatball 12:08:52PM**
21 **hero?**
22 A In the barracks. I wouldn't have a 12:08:52PM
23 beer in the open, because that doesn't look
24 good. I would take the cart down and have a
25 beer. Sometimes I'd go to the bar at the end,

Page 563

1 **RICHARD BOSETTI**
2 which I still can't remember the name.
3 **Q I'm just talking about the meatball 12:09:00PM**
4 **hero lunch.**
5 A In the barracks. 12:09:03PM
6 **Q Okay. And did you lock the door? 12:09:04PM**
7 A The doors are always locked because 12:09:06PM
8 it's the fire office.
9 **Q Okay. Did Mr. Paradiso know you would 12:09:08PM**
10 **have a beer from time to time while you were**
11 **eating?**
12 A Sure. 12:09:13PM
13 **Q How do you know that Mr. Paradiso knew 12:09:13PM**
14 **this?**
15 A Because if he came in or walked in on 12:09:16PM
16 me, I'd be having a beer.
17 **Q Oh, there were times that Mr. Paradiso 12:09:19PM**
18 **actually walked in --**
19 A Oh, no, I'm sorry. 12:09:23PM
20 MR. FEHRINGER: Wait till he's done. 12:09:26PM
21 A Okay. No. 12:09:28PM
22 **Q Did Mr. Paradiso ever see you having a 12:09:29PM**
23 **beer while you were having a meatball hero?**
24 A No. 12:09:34PM
25 **Q How about Hesse? 12:09:35PM**

Page 564

1 **RICHARD BOSETTI**

2 A Yes. 12:09:36PM

3 **Q And did Hesse ever say anything to you?** 12:09:36PM

4

5 A As long as I was having it with my 12:09:40PM

6 lunch, no.

7 **Q Okay. So Hesse never said no to you?** 12:09:42PM

8 A Right. 12:09:44PM

9 **Q Okay. How about at the checkpoints?** 12:09:44PM

10 **I think you testified that you saw Carter and**

11 **Snyder drinking at the checkpoints?**

12 A Yes. We would either offer them a 12:09:52PM

13 beer, and they would sometimes they would take

14 it. Nofi also.

15 **Q What's that?** 12:09:57PM

16 A Nofi also. 12:09:58PM

17 **Q So Nofi, Carter and Snyder.** 12:09:59PM

18 **When in relation to when they were on** 12:10:01PM

19 **duty at the checkpoint would they take a beer?**

20 **Well, let me ask you -- let me be more** 12:10:08PM

21 **direct.**

22 **Were Carter, Snyder and/or Nofi on** 12:10:11PM

23 **duty when they would take a beer from you?**

24 A Sometimes, yes. 12:10:18PM

25 **Q And how do you know that they were on** 12:10:18PM

Page 565

1 **RICHARD BOSETTI**

2 **duty?**

3 A After 12. Really after 11:30. 12:10:21PM

4 **Q So someone would take you to the** 12:10:24PM

5 **checkpoint or you would drive there, correct?**

6 A Yes. 12:10:28PM

7 **Q And Carter and Snyder and/or Lamm** 12:10:29PM

8 **would be coming onto midnight shift, correct?**

9 A Yes. 12:10:32PM

10 **Q You would see them at the checkpoint,** 12:10:32PM

11 **correct?**

12 A Yes. 12:10:34PM

13 **Q You would have some beers in the car?** 12:10:35PM

14 A Right. 12:10:37PM

15 **Q And you would offer or someone would** 12:10:37PM

16 **offer it to them?**

17 A Right. 12:10:41PM

18 **Q And you saw during these occasions,** 12:10:41PM

19 **not all of the time but some of the time,**

20 **Carter, Snyder and/or Nofi having a beer?**

21 A Yes. We'd have a beer. We'd talk 12:10:47PM

22 about what was going on, you know, laugh a

23 little bit, joke.

24 **Q And then they would go on to do their** 12:10:52PM

25 **job?**

Page 566

1 **RICHARD BOSETTI**

2 MR. GRAFF: Objection. 12:10:55PM

3 A Yes. 12:10:56PM

4 **Q Then they would go into the village** 12:10:56PM

5 **because it was their shift?**

6 A Yes. 12:10:59PM

7 MR. GRAFF: Objection. 12:10:59PM

8 MR. NOVIKOFF: Objection to what? 12:11:01PM

9 MR. GRAFF: Why they were going to the 12:11:02PM

10 village or if it's their shift.

11 MR. NOVIKOFF: I think he just 12:11:06PM

12 testified because they were going onto their

13 shift. Well, I'll break it down.

14 BY MR. NOVIKOFF: 12:11:10PM

15 **Q Did you have an understanding on those** 12:11:11PM

16 **occasions when you offered beers to Snyder, Nofi**

17 **and/or Carter and they accepted them, where they**

18 **were going after having the beers?**

19 A Yes. 12:11:20PM

20 **Q And what is your understanding?** 12:11:21PM

21 A That they were going to work, and I 12:11:23PM

22 thought nothing of it because they had a beer.

23 **Q And what was the basis for your** 12:11:29PM

24 **opinion that they were going to work?**

25 A They were in uniform. They just got 12:11:33PM

Page 567

1 **RICHARD BOSETTI**

2 off their other shift, and they're on roll call

3 and they're getting into an official police

4 vehicle and they're driving into town.

5 **Q Okay. Mr. Goodstadt asked you some** 12:11:44PM

6 **questions about rocket fuel.**

7 A Right. 12:11:49PM

8 **Q Did you ever drink rocket fuel while** 12:11:49PM

9 **you were on duty?**

10 A No, not while I was duty. 12:11:54PM

11 **Q To your knowledge, did Mr. Fiorillo** 12:11:57PM

12 **know that -- well, where would you drink the**

13 **rocket fuel?**

14 A I'd have a rocket fuel sometimes after 12:12:00PM

15 the shift was over, civilian clothes, maybe in

16 the station house, waiting for the vehicle to

17 come in. That's it.

18 **Q And this was in the station house?** 12:12:13PM

19 A Yes. 12:12:14PM

20 **Q The doors weren't locked, were they?** 12:12:16PM

21 A No, but I was in the back. 12:12:18PM

22 **Q Okay. Mr. Hesse could've walked in** 12:12:19PM

23 **there, right?**

24 MR. GRAFF: Objection. 12:12:21PM

25 A Yes. 12:12:22PM

Page 568

1 RICHARD BOSETTI

2 Q Mr. Paradiso, if he was around 12:12:22PM

3 could've, walked in there?

4 MR. GRAFF: Objection. 12:12:25PM

5 A Sure. 12:12:26PM

6 Q You didn't hide the fact that you were 12:12:26PM

7 having the rocket fuel, did you?

8 A No, off duty. 12:12:30PM

9 Q Okay. To your knowledge, did 12:12:31PM

10 Mr. Fiorillo know that you drank rocket fuel in

11 the back of the police station from time to

12 time?

13 A Of course. 12:12:37PM

14 Q How about Mr. Nofi? 12:12:38PM

15 A They all knew. 12:12:39PM

16 Q All the plaintiffs knew? 12:12:40PM

17 A Yes. 12:12:41PM

18 Q To your knowledge, did any of the 12:12:42PM

19 plaintiffs ever complain to you about you

20 drinking rocket fuel?

21 A No. 12:12:48PM

22 Q To your knowledge, did any of the 12:12:49PM

23 plaintiffs ever complain to Hesse about you

24 drinking rocket fuel?

25 A No. 12:12:54PM

Page 569

1 RICHARD BOSETTI

2 Q To your knowledge, did any of the 12:12:55PM

3 plaintiffs complain to Paradiso about you

4 drinking rocket fuel?

5 A No. 12:13:00PM

6 Q To your knowledge, did any of the 12:13:00PM

7 plaintiffs complain to Mayor Rogers about you

8 drinking rocket fuel?

9 A No. 12:13:06PM

10 Q How about Trustee Loeffler? 12:13:07PM

11 A No. 12:13:09PM

12 Q How about any trustee member? 12:13:09PM

13 A No. 12:13:11PM

14 Q You also addressed yesterday at least 12:13:31PM

15 one circumstance when Mr. Fiorillo asked you

16 what type of beer you wanted. Do you recall

17 that?

18 A Yes. 12:13:41PM

19 Q Did that happen on more than one 12:13:41PM

20 occasion or just one occasion?

21 A Yes. That's when we were on more or 12:13:44PM

22 less speaking terms.

23 Q Was that before the Halloween 12:13:47PM

24 incident?

25 A Yes. 12:13:49PM

Page 570

1 RICHARD BOSETTI

2 Q And on how many occasions did 12:13:50PM

3 Mr. Fiorillo ask you what brand of beer you

4 wanted?

5 A Numerous. 12:13:54PM

6 Q And that would be in the context of 12:13:55PM

7 him going on his shift --

8 A Yes. 12:13:59PM

9 Q -- and telling you he was going to 12:14:00PM

10 confiscate beer that day?

11 A Yes. 12:14:04PM

12 Q And he was asking you what type of 12:14:04PM

13 beer do you want me to confiscate?

14 A Yes. 12:14:10PM

15 Q Did you ever answer him? 12:14:10PM

16 A Anything. 12:14:12PM

17 Q As long as it was light beer? 12:14:12PM

18 A Yeah, I don't like the ultras. 12:14:15PM

19 Q How about Nofi, did he ever ask you 12:14:17PM

20 what type of beer you wanted?

21 A No. 12:14:20PM

22 Q Any of the other plaintiffs? 12:14:21PM

23 A No. 12:14:22PM

24 Q And did -- to your knowledge, did 12:14:23PM

25 Mr. Fiorillo ever complain to you about you

Page 571

1 RICHARD BOSETTI

2 drinking while off duty in the village?

3 A No. 12:14:32PM

4 Q How about any of the other plaintiffs? 12:14:33PM

5 A No. 12:14:35PM

6 Q To your knowledge, did Mr. Fiorillo 12:14:35PM

7 complain to Mr. Hesse about you drinking at all

8 in the village when you were off duty?

9 A No. 12:14:43PM

10 Q How about any of the other plaintiffs? 12:14:44PM

11 A No. 12:14:45PM

12 Q To your knowledge, did Mr. Fiorillo 12:14:46PM

13 ever complain to Mr. Paradiso about you drinking

14 at any point in time while you were on the

15 village?

16 A Not to my knowledge. 12:14:55PM

17 Q How about any of the other plaintiffs? 12:14:56PM

18 MR. GRAFF: Objection. And I'll 12:14:58PM

19 clarify. It's not clear if you're asking if

20 Mr. Fiorillo complained to the other

21 plaintiffs or if any of the other plaintiffs

22 made a complaint. You asked about

23 Mr. Fiorillo.

24 MR. NOVIKOFF: Oh, I think it is 12:15:09PM

25 clear. I don't think you like the answers.

Page 572

1 RICHARD BOSETTI

2 Can you just read the question back 12:15:13PM

3 for me. Because I don't think Mr. Bosetti

4 answered it yet because there was an

5 interruption.

6 (Whereupon, the requested portion was 12:15:19PM

7 read back by the court reporter: How about

8 any of the other plaintiffs?)

9 BY MR. NOVIKOFF: 12:15:28PM

10 Q Did any of the other plaintiffs 12:15:29PM

11 complain to Mr. Paradiso about you drinking beer

12 or any other alcoholic beverage at any point in

13 time while you were on the village?

14 MR. GRAFF: Objection. 12:15:39PM

15 A Not to my knowledge. 12:15:40PM

16 Q Okay. How about, to your knowledge, 12:15:41PM

17 did any of the plaintiffs complain to either

18 Mayor Rogers or Trustee Loeffler about you

19 drinking alcoholic beverages while you were in

20 the village?

21 A No. 12:15:59PM

22 Q To your knowledge, did any civilian 12:16:08PM

23 ever complain to anyone at the village about you

24 being in an inebriated state while on duty?

25 A No. 12:16:21PM

Page 573

1 RICHARD BOSETTI

2 Q How about while off duty? 12:16:21PM

3 A No. 12:16:23PM

4 Q Did there come a point in time -- 12:16:59PM

5 well, withdrawn.

6 I believe you testified yesterday that 12:17:03PM

7 Hesse told you on one occasion that you should

8 start writing more summonses.

9 A Yes. 12:17:11PM

10 Q When did that take place? 12:17:11PM

11 A First year. 12:17:14PM

12 Q And do you have an understanding as to 12:17:15PM

13 why Hesse told you that?

14 A He said it looks good for the town 12:17:21PM

15 board.

16 Q Okay. And what was your response, if 12:17:27PM

17 any, to Mr. Hesse?

18 A Okay, I will. 12:17:34PM

19 Q Okay. And did you? 12:17:35PM

20 A No. 12:17:37PM

21 Q And after that time, did Hesse tell 12:17:38PM

22 you that you should write more summonses?

23 A Yes. 12:17:43PM

24 Q When was the next time? 12:17:44PM

25 A The next year. 12:17:46PM

Page 574

1 RICHARD BOSETTI

2 Q And did you follow it? 12:17:47PM

3 A No. Only certain summonses that I 12:17:49PM

4 thought were necessary.

5 Q Did Hesse tell you after the second 12:17:53PM

6 time to write more summonses?

7 A Yep. 12:17:57PM

8 Q When was the next time? 12:17:57PM

9 A The next time he told me? 12:17:59PM

10 Q Yeah. 12:18:01PM

11 A The next year after that and the year 12:18:02PM

12 after that.

13 Q And you didn't do it? 12:18:04PM

14 A Not unless it was necessary. 12:18:07PM

15 Q Okay. And other than him -- other 12:18:08PM

16 than Hesse telling you to do it, did he ever

17 discipline you for not doing it?

18 A No. 12:18:16PM

19 Q Did he ever reprimand you for not 12:18:16PM

20 doing it?

21 A No. 12:18:18PM

22 Q Did Paradiso ever talk to you about 12:18:19PM

23 writing more summonses?

24 A I don't recall. 12:18:24PM

25 Q Okay. But certainly you weren't 12:18:25PM

Page 575

1 RICHARD BOSETTI

2 punished or disciplined for not writing

3 summonses, were you?

4 A No, sir. 12:18:31PM

5 Q Okay. Did Hesse ever tell you not to 12:18:32PM

6 issue a summons to a friend of his --

7 A No. 12:18:39PM

8 Q -- who was committing a crime? 12:18:39PM

9 A No. 12:18:40PM

10 Q Did Hesse ever tell you to avoid any 12:18:41PM

11 particular location that may have been the

12 subject of crime because that person was a

13 friend of his?

14 A No. 12:18:49PM

15 Q Did Hesse ever tell you to violate the 12:18:50PM

16 law?

17 A No. 12:18:53PM

18 Q Did Hesse ever tell you to ignore 12:18:54PM

19 known criminal activity?

20 A No. 12:18:59PM

21 Q Did Hesse ever tell you to ignore 12:18:59PM

22 locations where there may have been criminal

23 activity going on?

24 A Never. 12:19:08PM

25 Q I would presume all your answers would 12:19:11PM

Page 576

1 **RICHARD BOSETTI**

2 **be the same if I asked you about Paradiso?**

3 A Yes. 12:19:16PM

4 **Q Okay. Did Hesse ever tell you not to** 12:19:16PM

5 **issue -- not to arrest someone who committed a**

6 **crime at Ocean Beach because that person was a**

7 **friend of his?**

8 A Never. 12:19:32PM

9 **Q Now, Mr. Goodstadt asked you questions** 12:19:51PM

10 **about the Halloween incident yesterday, and he**

11 **asked you specifically about, I believe her name**

12 **is Edith Miller? I'm sorry, Eileen Miller?**

13 A Elyse. 12:20:05PM

14 **Q Elyse Miller, thank you. Elyse** 12:20:06PM

15 **Miller.**

16 **And whether or not she had a sexual** 12:20:08PM

17 **relationship with your brother?**

18 A Yes. 12:20:11PM

19 **Q And I think he asked you some** 12:20:11PM

20 **questions whether she had a sexual relationship**

21 **with you?**

22 A Yes. 12:20:17PM

23 **Q Now, to your knowledge, did Elyse** 12:20:18PM

24 **Miller provide a statement of her observations**

25 **of the Halloween incident to the Ocean Beach**

Page 577

1 **RICHARD BOSETTI**

2 **Police Department?**

3 A Yes, she did. She did. 12:20:27PM

4 **Q So I presume that's probably why** 12:20:29PM

5 **Mr. Goodstadt was asking you --**

6 A Yes. 12:20:33PM

7 **Q -- if there was a sexual relationship** 12:20:33PM

8 **between Mr. Goodstadt -- between Mr. Bosetti,**

9 **your brother, and her, correct?**

10 MR. GRAFF: Objection. 12:20:39PM

11 A Yes. I found out yesterday he didn't 12:20:40PM

12 have any sexual relationship with that woman.

13 **Q So you asked your brother that?** 12:20:46PM

14 A Yes. 12:20:50PM

15 MR. GRAFF: I'm sorry. With the 12:20:51PM

16 traffic noise --

17 MR. NOVIKOFF: I think he -- I think 12:20:52PM

18 Mr. Bosetti said he found out yesterday that

19 his brother did not, in fact, have a sexual

20 relationship with Ms. Miller.

21 THE WITNESS: Yes. 12:20:58PM

22 BY MR. NOVIKOFF: 12:20:58PM

23 **Q And I presume that's because --** 12:20:58PM

24 A I've heard that before, but yes. 12:20:59PM

25 MR. CONNOLLY: With that woman. 12:21:03PM

Page 578

1 **RICHARD BOSETTI**

2 BY MR. NOVIKOFF: 12:21:04PM

3 **Q And that's Ms. Miller, right?** 12:21:05PM

4 A Yes. 12:21:07PM

5 **Q And that's from you speaking to your** 12:21:08PM

6 **brother yesterday?**

7 A Correct. 12:21:13PM

8 **Q Well, frankly, I didn't care whether** 12:21:14PM

9 **your brother had a sexual relationship with**

10 **Ms. Miller. I'm going to ask you another**

11 **question.**

12 A I was surprised. 12:21:21PM

13 **Q What's that?** 12:21:22PM

14 A I was surprised myself. 12:21:22PM

15 **Q To your knowledge, did Jennean Yager** 12:21:23PM

16 **submit a witness statement concerning her**

17 **observations of the Halloween incident?**

18 A Yes. 12:21:32PM

19 **Q To your knowledge, did your brother** 12:21:32PM

20 **have a sexual relationship with Jean Yager?**

21 A No. 12:21:38PM

22 **Q Did you have a sexual relationship** 12:21:38PM

23 **with Jean Yager?**

24 A No. 12:21:42PM

25 **Q Did George Hesse have a sexual** 12:21:42PM

Page 579

1 **RICHARD BOSETTI**

2 **relationship with Jean Yager?**

3 MR.. GRAFF: Objection. 12:21:46PM

4 A No. 12:21:47PM

5 **Q To your knowledge. That's all I'm** 12:21:48PM

6 **asking.**

7 A No. 12:21:49PM

8 MR. NOVIKOFF: That's all I'm asking, 12:21:49PM

9 Counsel, to his knowledge.

10 BY MR. NOVIKOFF: 12:21:52PM

11 **Q No, right?** 12:21:53PM

12 A Yes. No. 12:21:54PM

13 **Q No, he did not have one?** 12:21:55PM

14 A He did not have a sexual relationship 12:21:55PM

15 with that woman.

16 **Q Sean O'Rourke put in a witness** 12:21:57PM

17 **statement; is that correct?**

18 A Yes. 12:22:02PM

19 **Q To your knowledge?** 12:22:02PM

20 A Yes. 12:22:03PM

21 **Q Did your brother have a sexual** 12:22:03PM

22 **relationship with Sean O'Rourke?**

23 MR. GRAFF: Objection. 12:22:08PM

24 A No. 12:22:08PM

25 **Q To your knowledge?** 12:22:08PM

Page 580

1 **RICHARD BOSETTI**

2 A No. 12:22:09PM

3 **Q Did you have a sexual relationship 12:22:10PM**

4 **with Sean O'Rourke?**

5 A No. 12:22:12PM

6 **Q To your knowledge, did George Hesse 12:22:13PM**

7 **have a sexual relationship with Sean O'Rourke?**

8 A I hope not. No. 12:22:20PM

9 **Q Okay. No? 12:22:21PM**

10 A No. 12:22:22PM

11 **Q Ian Levine, he put in a witness 12:22:23PM**

12 **statement concerning his observations of the**

13 **Halloween incident, correct?**

14 A Right. 12:22:28PM

15 **Q Did your brother have a sexual 12:22:29PM**

16 **relationship with Ian Levine?**

17 A No. 12:22:33PM

18 MR. GRAFF: Objection. 12:22:33PM

19 BY MR. NOVIKOFF: 12:22:34PM

20 **Q To your knowledge? 12:22:34PM**

21 A No. 12:22:35PM

22 **Q Did you? 12:22:35PM**

23 A No. 12:22:36PM

24 **Q Did George Hesse? 12:22:36PM**

25 MR. GRAFF: Objection. 12:22:37PM

Page 581

1 **RICHARD BOSETTI**

2 A No. 12:22:38PM

3 MR. NOVIKOFF: What's the objection 12:22:39PM

4 about?

5 MR. GRAFF: To his knowledge. 12:22:41PM

6 MR. NOVIKOFF: To his knowledge, did 12:22:43PM

7 George Hesse have a sexual relationship with

8 Ian Levine, and you objected to that.

9 MR. GRAFF: I don't believe that was 12:22:53PM

10 the question you asked.

11 MR. NOVIKOFF: Okay.. I thought it was 12:23:00PM

12 subsumed, since I had asked it previously.

13 But that's okay.

14 BY MR. NOVIKOFF: 12:23:02PM

15 **Q To your knowledge -- and this is all 12:23:02PM**

16 **to your knowledge, and all my other questions on**

17 **this issue are to your knowledge.**

18 **To your knowledge, did George Hesse 12:23:08PM**

19 **have a sexual relationship with Ian Levine?**

20 A No. 12:23:12PM

21 **Q How about Bud Yager, Buddy Yager -- 12:23:31PM**

22 **Jennean's husband, right?**

23 A Yes. 12:23:38PM

24 **Q To your knowledge, did your brother 12:23:39PM**

25 **have a sexual relationship with him?**

Page 582

1 **RICHARD BOSETTI**

2 A No. 12:23:43PM

3 **Q Did you? 12:23:43PM**

4 A No. 12:23:44PM

5 **Q To your knowledge, did George Hesse 12:23:44PM**

6 **have one?**

7 A No. 12:23:47PM

8 **Q Now, you testified that, to your 12:23:58PM**

9 **knowledge, Brian Van Coot pled guilty to a**

10 **charge or more than one charge concerning the**

11 **Halloween incident; is that correct?**

12 A Yes. 12:24:11PM

13 **Q What is the basis of your knowledge 12:24:11PM**

14 **with regard to that?**

15 A When I went to court or George told 12:24:17PM

16 me. Because the first time I went to court, I

17 don't know if it was Van Coot or the other guy,

18 that they -- that they collared. And they

19 copped a plea, they admitted.

20 **Q Okay. Do you know what plea they 12:24:33PM**

21 **copped?**

22 MR. GRAFF: Objection. 12:24:37PM

23 MR. NOVIKOFF: Withdrawn. 12:24:38PM

24 BY MR. NOVIKOFF: 12:24:38PM

25 **Q Do you know what Van Coot pled guilty 12:24:39PM**

Page 583

1 **RICHARD BOSETTI**

2 **to?**

3 A No. I know between the both of them, 12:24:42PM

4 one pled guilty to holding my brother's legs and

5 kicking him, and the other one pled guilty to

6 actually putting his hands around Jean Yager.

7 **Q Okay. So two of the three 12:24:55PM**

8 **individuals, to your knowledge, that were**

9 **involved in the Halloween incident, other than**

10 **your brother and you --**

11 A Yes. 12:25:02PM

12 **Q -- pled guilty to crimes concerning 12:25:02PM**

13 **the events that night?**

14 A Yes, they did. 12:25:07PM

15 **Q All right. And one of them was Brian 12:25:08PM**

16 **Van Coot?**

17 A Yes. 12:25:11PM

18 **Q And you don't recall the name the 12:25:11PM**

19 **other guy?**

20 A I don't, no. 12:25:14PM

21 **Q You didn't plead guilty to anything, 12:25:18PM**

22 **did you?**

23 A Me, no. 12:25:22PM

24 **Q Did your brother plead guilty to 12:25:22PM**

25 **anything?**

Page 584

1 **RICHARD BOSETTI**

2 A No. 12:25:24PM

3 **Q Were you ever brought up on civil 12:25:28PM**

4 **charges by Van Coot, Shallick or the other**

5 **person involved?**

6 A Nope. 12:25:34PM

7 **Q Was your brother ever brought up on 12:25:34PM**

8 **charges -- I'm sorry. Was your brother ever**

9 **sued civilly by Van Coot, Shallick or the other**

10 **guy?**

11 A No. 12:25:44PM

12 **Q Were any of the people who submitted 12:25:45PM**

13 **witness statements concerning the Halloween**

14 **incident ever charged by either Ocean Beach or**

15 **Suffolk County for filing a false instrument?**

16 MR. GRAFF: To his knowledge. 12:26:00PM

17 BY MR. NOVIKOFF: 12:26:01PM

18 **Q To your knowledge. That's it, to your 12:26:01PM**

19 **knowledge.**

20 A Not to my knowledge. 12:26:02PM

21 **Q To your knowledge, were any of the 12:26:03PM**

22 **people who submitted witness statements**

23 **concerning -- I'm sorry. Let me rephrase, and**

24 **maybe I'll have to break it down.**

25 A Okay. 12:26:14PM

Page 585

1 **RICHARD BOSETTI**

2 **Q To your knowledge, did Jeanne Yager, 12:26:14PM**

3 **was she ever charged with any crime by either**

4 **Suffolk County or Ocean Beach for filing a false**

5 **witness statement?**

6 A No. 12:26:26PM

7 **Q Same question with regard to Sean 12:26:28PM**

8 **O'Rourke.**

9 A No. 12:26:30PM

10 **Q Same question with regard to Ian 12:26:31PM**

11 **Levine.**

12 A No. 12:26:33PM

13 **Q Same question with regard to Bud 12:26:34PM**

14 **Yager.**

15 A No. 12:26:37PM

16 **Q Same question with regard to Elyse 12:26:39PM**

17 **Miller.**

18 A No. 12:26:42PM

19 **Q Who was the bartender that night? 12:26:42PM**

20 **There was another name that you mentioned**

21 **yesterday.**

22 A I'm not sure. I think it was Dan. 12:26:48PM

23 Dan, maybe, the guy that answered the phone.

24 **Q Well, with regard to -- Dan McKenna. 12:26:55PM**

25 A Yes. 12:27:04PM

Page 586

1 **RICHARD BOSETTI**

2 **Q Do you know if he put in a witness 12:27:04PM**

3 **statement?**

4 A He should've, because I remember what 12:27:07PM

5 he told me about the guys not answering the

6 call.

7 **Q What about the bouncer, do you know 12:27:14PM**

8 **who the bouncer was?**

9 A Wykoff. 12:27:17PM

10 **Q Okay, that's the guy. 12:27:18PM**

11 **Did Wykoff put a statement in? 12:27:19PM**

12 A Yes, he did. 12:27:21PM

13 **Q Okay. Let me go back to the other 12:27:22PM**

14 **questions.**

15 **To your knowledge, did your brother 12:27:24PM**

16 **have a sexual relationship with Wykoff?**

17 A No. 12:27:28PM

18 **Q To your knowledge, did George Hesse 12:27:29PM**

19 **have a sexual relationship with Wykoff?**

20 A No. 12:27:35PM

21 **Q How about you? 12:27:36PM**

22 A No. 12:27:36PM

23 MR. GRAFF: Just to be clear, is 12:27:37PM

24 Wykoff a first name?

25

Page 587

1 **RICHARD BOSETTI**

2 BY MR. NOVIKOFF: 12:27:40PM

3 **Q Was it a first name? 12:27:40PM**

4 A No. His first name is Dougie. 12:27:42PM

5 **Q Doug Wykoff, okay. 12:27:45PM**

6 **Well, then let's go down the list. 12:27:48PM**

7 **Was Doug Wykoff ever charged either by 12:27:48PM**

8 **Ocean Beach or Suffolk County with filing a**

9 **false instrument?**

10 A No. 12:27:52PM

11 MR. GRAFF: Objection. To his 12:27:53PM

12 knowledge.

13 BY MR. NOVIKOFF: 12:27:56PM

14 **Q Everything is to your knowledge, sir. 12:27:56PM**

15 **Do you understand that?**

16 A Yes. 12:27:58PM

17 **Q I'm not asking what you heard, what 12:27:59PM**

18 **you may have seen in the newspapers. I'm**

19 **talking about your knowledge.**

20 A Right. 12:28:04PM

21 **Q To your knowledge, Ian Levine, was he 12:28:04PM**

22 **ever charged?**

23 A No. 12:28:09PM

24 **Q To your knowledge -- 12:28:10PM**

25 A No. 12:28:13PM

Page 588

1 RICHARD BOSETTI

2 **Q** **Criminally, for filing a false statement?** 12:28:14PM

3

4 A No. 12:28:16PM

5 **Q** **Doug Wykoff, was he ever charged criminally for filing a false statement?** 12:28:16PM

6

7 A No. 12:28:18PM

8 **Q** **How about Elyse Miller, was she ever criminally charged?** 12:28:18PM

9

10 A No. 12:28:23PM

11 **Q** **How about Bud Yager, was he ever criminally charged?** 12:28:23PM

12

13 A No. 12:28:27PM

14 MR. GRAFF: Objection. 12:28:28PM

15 MR. NOVIKOFF: For? 12:28:29PM

16 MR. GRAFF: Criminally charged in what context? 12:28:30PM

17

18 MR. NOVIKOFF: Are you going to take that to the judge at trial? Is that the objection, you didn't know what I'm referring to? 12:28:32PM

19

20 MR. GRAFF: I've noted the objection for the record. 12:28:36PM

21

22 MR. NOVIKOFF: Okay. 12:28:38PM

23

24

25

Page 589

1 RICHARD BOSETTI

2 BY MR. NOVIKOFF: 12:28:38PM

3 **Q** **Sir, just to be clear, since there is an objection. Was Bud Yager ever criminally charged for filing a false witness statement by either Ocean Beach or Suffolk County?** 12:28:38PM

4

5

6

7 A No. 12:28:48PM

8 **Q** **Okay. Were any of the individuals that I've just named who put in witness statements, to your knowledge, ever sued by any of the three individuals, Van Coot, Shallick or the other guy, for any of the events concerning the Halloween incident?** 12:28:51PM

9

10

11

12

13

14 A No. 12:29:08PM

15 **Q** **Tesoro. T-E-S-O-R-O.** 12:29:09PM

16 A Who is that, the other defendant? 12:29:15PM

17 **Q** **Yes.** 12:29:18PM

18 A Okay. 12:29:22PM

19 **Q** **No?** 12:29:22PM

20 A No. 12:29:23PM

21 **Q** **Now, to your -- do you have an understanding here that Mr. Fiorillo and the other four plaintiffs are alleging that there was this grand coverup concerning the Halloween incident?** 12:29:24PM

22

23

24

25

Page 590

1 RICHARD BOSETTI

2 MR. GRAFF: Objection. 12:29:38PM

3 A Yes. 12:29:38PM

4 **Q** **Okay. And you've learned that how?** 12:29:39PM

5 A I've learned that by my brother getting fired immediately afterwards, that they wrote bogus reports. 12:29:44PM

6

7

8 **Q** **I understand that's what you think that they did, but my question is a little bit more focused.** 12:29:56PM

9

10

11 **Are you aware that in this lawsuit against the village -- by the way, you're not a party to this lawsuit, right?** 12:30:01PM

12

13

14 A No. 12:30:07PM

15 **Q** **And your brother is not a party to this lawsuit, right?** 12:30:07PM

16

17 A No. 12:30:10PM

18 **Q** **In this lawsuit, are you aware of the fact that Mr. Fiorillo and the plaintiffs are alleging this coverup orchestrated by Mr. Hesse concerning the events of the Halloween incident?** 12:30:10PM

19

20

21 A Yes. 12:30:21PM

22 **Q** **Okay. Now, to your knowledge, has any person who put in a witness statement -- withdrawn.** 12:30:22PM

23

24

25

Page 591

1 RICHARD BOSETTI

2 **To your knowledge, did Jeanne Yager -- I'm sorry. Withdrawn.** 12:30:31PM

3

4 **To your knowledge, has anyone, other than the plaintiffs, accused Jeanne Yager of lying in her witness statement?** 12:30:37PM

5

6

7 A No. 12:30:43PM

8 **Q** **To your knowledge, has anyone, other than the plaintiffs, accused Sean O'Rourke of lying in his witness statement?** 12:30:43PM

9

10

11 A No. 12:30:51PM

12 **Q** **To your knowledge, has anyone, other than the plaintiffs, accused Ian Levine of lying in his witness statement?** 12:30:52PM

13

14

15 A No. 12:30:59PM

16 **Q** **To your knowledge, other than the plaintiffs, has anyone accused you of lying in your witness statement?** 12:30:59PM

17

18

19 A No. 12:31:05PM

20 **Q** **To your knowledge?** 12:31:06PM

21 A No. 12:31:06PM

22 **Q** **To your knowledge, has anyone, other than the plaintiffs, alleged that you were lying -- I'm sorry, that your brother, Gary Bosetti, was lying in the witness statements?** 12:31:07PM

23

24

25

Page 592

1 **RICHARD BOSETTI**
2 A No. 12:31:18PM
3 **Q To your knowledge, other than the 12:31:18PM**
4 **plaintiffs, has anyone alleged that Elyse Miller**
5 **was lying in her witness statement?**
6 A No. 12:31:24PM
7 **Q To your knowledge, has anyone, other 12:31:25PM**
8 **than the plaintiffs, alleged that Bud Yager was**
9 **lying in his witness statement?**
10 A No. 12:31:33PM
11 **Q To your knowledge, other than the 12:31:33PM**
12 **plaintiffs, has anyone alleged that Dougie**
13 **Wykoff was lying in his witness statement?**
14 A No. 12:31:42PM
15 **Q Did you ever ask any of these people 12:31:43PM**
16 **that I've just mentioned to lie on your behalf?**
17 A No. 12:31:51PM
18 **Q To your knowledge, have you ever asked 12:31:52PM**
19 **anybody, any of these people that I've just read**
20 **the names of, to lie on behalf of your brother?**
21 A No. 12:31:59PM
22 **Q To your knowledge, did George Hesse -- 12:32:00PM**
23 **well, so there's no objection.**
24 **In your presence, did George Hesse 12:32:06PM**
25 **ever ask any of these individuals to lie in**

Page 593

1 **RICHARD BOSETTI**
2 **their witness statements?**
3 A No. 12:32:14PM
4 **Q Did George Hesse ever ask you to lie 12:32:15PM**
5 **in your witness statement?**
6 A Told me just tell the truth. 12:32:19PM
7 **Q To your knowledge and in your 12:32:20PM**
8 **presence, did he ever ask your brother to lie in**
9 **his witness statement?**
10 A No. 12:32:26PM
11 **Q To your knowledge, have any of the 12:32:30PM**
12 **three individuals -- withdrawn.**
13 **To your knowledge, has Van Coot ever, 12:32:34PM**
14 **after he copped a plea, said that he lied by**
15 **copping a plea -- withdrawn.**
16 A I don't understand. 12:32:46PM
17 **Q Well, to your knowledge, has Van Coot 12:32:47PM**
18 **ever said that the plea that I gave was a lie, I**
19 **didn't commit the crime and I just pled because**
20 **I was forced to plead?**
21 MR. GRAFF: Objection. 12:33:00PM
22 A He or they stated that the crimes that 12:33:03PM
23 they committed actually happened, and the first
24 night they claimed the crimes that they
25 supposedly committed didn't happen.

Page 594

1 **RICHARD BOSETTI**
2 **Q No, I understand that. I'm saying 12:33:14PM**
3 **after they copped a plea --**
4 A Yeah. 12:33:17PM
5 **Q -- in court. 12:33:18PM**
6 A Yeah. 12:33:19PM
7 **Q They pled guilty to whatever they pled 12:33:19PM**
8 **guilty to. After that moment in time, are you**
9 **aware of either one of the two gentlemen ever**
10 **stating to anybody, you know, I really lied when**
11 **I took the plea, I didn't commit the crime, I**
12 **just took it because I wanted to get my life --**
13 **get on with my life?**
14 MR. GRAFF: Objection. 12:33:38PM
15 A No. 12:33:39PM
16 **Q Right. And they had to allocute? 12:33:40PM**
17 MR. GRAFF: Objection. 12:33:46PM
18 MR. NOVIKOFF: Withdrawn. 12:33:48PM
19 BY MR. NOVIKOFF: 12:33:48PM
20 **Q Did you witness them allocuting to the 12:33:48PM**
21 **-- do you know what "allocute" means?**
22 A No, I'm not sure. 12:33:52PM
23 **Q Okay. Then I'll move on. 12:33:53PM**
24 **Were you present when they took the 12:33:55PM**
25 **plea?**

Page 595

1 **RICHARD BOSETTI**
2 A I was present when one guy took the 12:33:59PM
3 plea.
4 **Q Okay. And did that person have to 12:34:02PM**
5 **make any statement in front of the judge?**
6 A Yes. 12:34:06PM
7 **Q And do you recall what that statement 12:34:06PM**
8 **was?**
9 A I'm sure that he was the one that 12:34:08PM
10 stated he held the guy, Gary, by his feet.
11 **Q And the court accepted that 12:34:14PM**
12 **explanation, correct?**
13 A Yes. And punched him and kicked him. 12:34:16PM
14 **Q Right. The court didn't suggest that 12:34:18PM**
15 **he was lying, right?**
16 A No. 12:34:21PM
17 **Q At least in your presence? 12:34:24PM**
18 A In my presence, right. 12:34:25PM
19 **Q Now, Mr. Goodstadt showed you your 12:34:49PM**
20 **statement. I believe it was Exhibit 10. I'll**
21 **ask your counsel to show you Exhibit 10.**
22 **Now, I'm not going to go through this 12:35:10PM**
23 **with you, just ask you some general questions.**
24 **Everything in there truthful, to the 12:35:14PM**
25 **extent you recall, when you made that statement?**

35 (Pages 592 to 595)

Page 596

1 **RICHARD BOSETTI**
2 A Yes, it is. 12:35:18PM
3 **Q With regard to anything in that 12:35:19PM**
4 **statement, did Mr. Hesse ask you to lie?**
5 A No. 12:35:23PM
6 **Q Did you write any statement -- 12:35:24PM**
7 **withdrawn.**
8 **Did you present any statement to 12:35:29PM**
9 **Mr. Hesse that he rejected and told you to redo**
10 **it --**
11 A No. 12:35:34PM
12 **Q -- prior to you having that statement 12:35:34PM**
13 **typed?**
14 A No. 12:35:37PM
15 **Q Did Mr. Hesse at any point in time 12:35:38PM**
16 **say, yeah, you know what, I'm going to leave**
17 **this one sentence out because I don't want this**
18 **in there?**
19 A No.. 12:35:45PM
20 **Q Now, you did that to the best of your 12:35:49PM**
21 **recollection at the time?**
22 A Yes. 12:35:52PM
23 **Q Based upon what you witnessed -- 12:35:53PM**
24 A Right. 12:35:54PM
25 **Q -- at the time? 12:35:55PM**

Page 597

1 **RICHARD BOSETTI**
2 A Yes.. 12:35:55PM
3 **Q And you were confident at the time 12:35:58PM**
4 **that you made this statement that that was**
5 **truthful and accurate?**
6 A Yes, it was. 12:36:03PM
7 **Q And do you recall yesterday 12:36:03PM**
8 **Mr. Goodstadt asking you a series of questions**
9 **about the events of the Halloween incident?**
10 A Yes, I do. 12:36:10PM
11 **Q And do you recall you consistently 12:36:11PM**
12 **asking Mr. Goodstadt to look at the statement to**
13 **refresh your recollection?**
14 A Yes. 12:36:18PM
15 MR. GRAFF: Objection. 12:36:18PM
16 BY MR. NOVIKOFF: 12:36:19PM
17 **Q Did Mr. Goodstadt ever show you your 12:36:19PM**
18 **statement to refresh your recollection, to your**
19 **knowledge?**
20 A No. 12:36:24PM
21 **Q Now, did any of the three officers 12:36:33PM**
22 **that were present at that -- I'm sorry, just so**
23 **we're clear here. It was Mr. Fiorillo, it was**
24 **Mr. Lamm and it was Mr. Snyder, right?**
25 A Correct. 12:36:57PM

Page 598

1 **RICHARD BOSETTI**
2 **Q Did any of them contact you before you 12:36:59PM**
3 **left the island the next morning?**
4 A No, they didn't. 12:37:04PM
5 **Q Did anyone, even while you were at the 12:37:05PM**
6 **bar, ask you your version of the events?**
7 A No. 12:37:13PM
8 **Q To your knowledge, did anyone ask Gary 12:37:16PM**
9 **his version of the events while he was at the**
10 **bar?**
11 A No. 12:37:22PM
12 **Q Would you agree with me that the 12:37:23PM**
13 **officers had the opportunity, while Gary was**
14 **still in the bar, to talk to him?**
15 MR. GRAFF: Objection. 12:37:31PM
16 A Of course. 12:37:32PM
17 MR. NOVIKOFF: What's the basis of the 12:37:33PM
18 objection?
19 MR. GRAFF: Withdrawn. 12:37:35PM
20 MR. NOVIKOFF: Withdrawn, okay. 12:37:36PM
21 BY MR. NOVIKOFF: 12:37:36PM
22 **Q What is the basis of your opinion that 12:37:37PM**
23 **while the three officers were in or near the**
24 **bar, they had an opportunity to talk to Gary**
25 **Bosetti?**

Page 599

1 **RICHARD BOSETTI**
2 A A because Gary was in close proximity. 12:37:44PM
3 **Q What do you mean -- he was in the bar? 12:37:47PM**
4 A He was in the bar, yes. 12:37:49PM
5 **Q Right. And to your knowledge, the 12:37:50PM**
6 **officers knew where you were staying that night,**
7 **right?**
8 A Of course. 12:37:59PM
9 **Q And where were you staying that night? 12:38:00PM**
10 A I was staying in the barracks. 12:38:01PM
11 **Q And you told who that? 12:38:03PM**
12 A I told that to probably -- I'm not 12:38:04PM
13 sure which one, but it was probably Kevin Lamm.
14 **Q Okay. And no one before the next 12:38:13PM**
15 **morning, 9:00 time period, did anyone come to**
16 **the barracks to take your statement?**
17 A No. I called them that night also. 12:38:22PM
18 **Q What time did you call them? 12:38:24PM**
19 A It was approximately -- I called 12:38:27PM
20 headquarters. Approximately 20 minutes later, I
21 called headquarters. It was early on in the
22 morning.
23 MR. GRAFF: For the record, if we 12:38:43PM
24 could just note that the witness was
25 referring to Exhibit 10.

36 (Pages 596 to 599)

Page 600

1 RICHARD BOSETTI
2 MR. NOVIKOFF: I think the video gets 12:38:48PM
3 that, yeah.
4 MR. GRAFF: Just for the transcript. 12:38:50PM
5 MR. NOVIKOFF: Okay. That's fine. 12:38:51PM
6 BY MR. NOVIKOFF: 12:38:53PM
7 Q And what was the purpose of you 12:38:53PM
8 calling them?
9 A Because I wanted to see what the 12:38:55PM
10 outcome is or how it was going.
11 Q Okay. And to your knowledge, did the 12:38:59PM
12 officers know where Gary Bosetti was sleeping
13 that night?
14 A Yeah. 12:39:08PM
15 Q And what was the basis of that 12:39:08PM
16 opinion?
17 A Because in the morning, they told Gary 12:39:12PM
18 Bosetti -- they told the chief where Gary
19 Bosetti was.
20 Q How do you know that? 12:39:19PM
21 A Because someone said the chief went to 12:39:22PM
22 the house, opened up the door, walked in and
23 said, where's Gary?
24 Q Okay. So if I understand your 12:39:31PM
25 testimony correctly, Chief Paradiso was told

Page 601

1 RICHARD BOSETTI
2 where -- well, withdrawn.
3 And to your knowledge, did any of the 12:39:44PM
4 three officers approach Gary before he left the
5 island --
6 A No. 12:39:49PM
7 Q -- with regard to what his version of 12:39:49PM
8 the events were?
9 MR. FEHRINGER: Wait until he finishes 12:39:54PM
10 the question.
11 A No. 12:39:55PM
12 Q The answer is no? 12:39:56PM
13 A No. 12:39:57PM
14 Q Did you do anything to obstruct their 12:39:59PM
15 investigation that night prior to you leaving
16 the island?
17 MR. GRAFF: Objection. 12:40:07PM
18 A No. 12:40:07PM
19 MR. NOVIKOFF: What was the objection? 12:40:08PM
20 MR. GRAFF: "Obstruct" is ambiguous. 12:40:09PM
21 ATTORNEY1: "Obstruct" is ambiguous. 12:40:11PM
22 MR. GRAFF: I noted the objection. 12:40:14PM
23 BY MR. NOVIKOFF: 12:40:15PM
24 Q Do you understand what the word 12:40:16PM
25 "obstruct" means?

Page 602

1 RICHARD BOSETTI
2 A Yes. 12:40:18PM
3 Q What do you understand the word 12:40:20PM
4 "obstruct" to mean?
5 A Yes, I understand. 12:40:22PM
6 Q What do you -- just so we understand 12:40:23PM
7 what that word means, what do you understand
8 that word to mean?
9 A Impede their investigation. 12:40:30PM
10 Q Fine. 12:40:32PM
11 Did you do anything prior to you 12:40:34PM
12 leaving the island to impede their
13 investigation?
14 A No. 12:40:38PM
15 Q Did your brother, to your knowledge, 12:40:39PM
16 do anything prior to him leaving the island to
17 impede their investigation that night?
18 A No. 12:40:46PM
19 Q To your knowledge, did any of the 12:41:05PM
20 officers call Mr. Paradiso that night to tell
21 him that two Ocean Beach officers were involved
22 in a physical altercation resulting in injuries
23 that night?
24 A No. 12:41:24PM
25 Q To your knowledge, did any of the 12:41:25PM

Page 603

1 RICHARD BOSETTI
2 three officers call up George Hesse to advise
3 him that two Ocean Beach officers were involved
4 in a physical altercation with up to three
5 civilians that resulted in physical injuries?
6 A Nope. 12:41:42PM
7 Q To your knowledge, did any of those 12:41:44PM
8 three officers advise Mayor Rogers that two
9 Ocean Beach police officers were involved in a
10 physical altercation with up to three civilians
11 that resulted in injuries?
12 A No. 12:42:01PM
13 Q Now, were you one -- were you one of 12:42:19PM
14 Mr. Paradiso's pets --
15 MR. GRAFF: Objection. 12:42:23PM
16 BY MR. NOVIKOFF: 12:42:24PM
17 Q -- as you used the term earlier? 12:42:24PM
18 A In the beginning, he really liked us. 12:42:32PM
19 Q Uh-huh. 12:42:35PM
20 A And then later on, I guess with the 12:42:37PM
21 summons writing, he'd rather have the other
22 officers that wrote the summons.
23 Q How about at the time of the Halloween 12:42:44PM
24 incident, would you characterize yourself as a
25 pet of Mr. Paradiso?

Page 604

1 **RICHARD BOSETTI**

2 A Not a pet, but in good standing. 12:42:53PM

3 Q Okay. Now, Mr. Paradiso -- how about 12:42:55PM

4 your brother?

5 A Same thing.. 12:42:56PM

6 Q Now, Mr. Paradiso wouldn't lie for 12:42:57PM

7 you, would he?

8 A No. 12:43:00PM

9 Q Mr. Paradiso wouldn't cover up 12:43:00PM

10 anything for you, would he?

11 A Of course not. 12:43:03PM

12 Q Would Mr. Paradiso, in your opinion, 12:43:04PM

13 lie for your brother?

14 A No, he wouldn't. 12:43:07PM

15 Q In your opinion, would Mr. Paradiso 12:43:08PM

16 lie or cover up for your brother?

17 A No, he wouldn't. 12:43:13PM

18 Q And am I correct in understanding your 12:43:13PM

19 testimony that at some point in time after your

20 brother was terminated, Mr. Paradiso gave him

21 his job back, correct?

22 A Correct. 12:43:23PM

23 Q Now, it wasn't Mr. Hesse that gave him 12:43:23PM

24 his job back, was it?

25 A No. 12:43:27PM

Page 605

1 **RICHARD BOSETTI**

2 Q Well, you said that emphatically. In 12:43:27PM

3 fact, the video tape would show that you said

4 that emphatically. Why did you say "no" so

5 emphatically?

6 A Because at the time Chief Paradiso was 12:43:37PM

7 the one that terminated Gary, so George

8 obviously had no say. Chief Paradiso was the

9 boss, so he's the one that's could have hired

10 him back.

11 Q And in fact, Mr. Paradiso, if I 12:43:51PM

12 understand your testimony correctly, shook your

13 brother's hand that day when you had a meeting

14 with Paradiso and said you have your job back?

15 MR. GRAFF: Objection. 12:44:00PM

16 A Yes. 12:44:01PM

17 Q What's that? 12:44:02PM

18 A Yes, he did. 12:44:03PM

19 Q And how long between Gary being 12:44:05PM

20 initially terminated and Mr. Paradiso shaking

21 his hand, how long a period of time was that?

22 A Maybe a week, week and a half, two 12:44:12PM

23 weeks.

24 Q Now, in that period of time, had there 12:44:17PM

25 been any additional investigation other than the

Page 606

1 **RICHARD BOSETTI**

2 so-called investigation that the three

3 plaintiffs undertook the night of the Halloween

4 incident?

5 MR. GRAFF: Objection. 12:44:28PM

6 A Yes. 12:44:28PM

7 Q To your knowledge, who participated in 12:44:29PM

8 that investigation?

9 MR. GRAFF: Objection. 12:44:33PM

10 A George Hesse -- 12:44:34PM

11 Q I'm sorry, hold on. 12:44:35PM

12 MR. NOVIKOFF: To your knowledge, who 12:44:37PM

13 participated in that investigation. What's

14 your on objection.

15 MR. GRAFF: Which investigation are 12:44:41PM

16 you referring to? There was the

17 investigation by the plaintiffs and the --

18 MR.. NOVIKOFF: I think my prior 12:44:46PM

19 question was clear, but I'll rephrase.

20 BY MR. NOVIKOFF: 12:44:50PM

21 Q After you left the island -- 12:44:52PM

22 withdrawn.

23 After you found out that your brother 12:44:55PM

24 was terminated, was there an investigation that

25 took place into the events of the Halloween

Page 607

1 **RICHARD BOSETTI**

2 incident?

3 A Yes. 12:45:04PM

4 Q Okay. Now, did this investigation at 12:45:05PM

5 least commence between the time that Gary was

6 terminated and the time that Gary got his job

7 back?

8 A Yes. 12:45:14PM

9 Q In that period of time, do you have 12:45:15PM

10 knowledge as to who was involved in the

11 investigation?

12 A Yes. 12:45:20PM

13 Q Who? 12:45:21PM

14 A It would've been sergeant Hesse and 12:45:21PM

15 probably John Cherry.

16 Q Okay. Pat Cherry? 12:45:28PM

17 A Pat Cherry. 12:45:29PM

18 Q Okay. And in that period of time, did 12:45:32PM

19 George Hesse ever tell you to lie?

20 A No. 12:45:37PM

21 Q About anything involving the Halloween 12:45:38PM

22 incident?

23 A George never told me to lie about 12:45:41PM

24 anything.

25 Q In that period of time, did Pat Cherry 12:45:43PM

Page 608

1 **RICHARD BOSETTI**
2 ever tell you to lie about anything involving
3 the Halloween incident?
4 A No. 12:45:48PM
5 Q In that period of time, did your 12:45:48PM
6 brother ever advise you that Hesse or Cherry
7 advised him to lie about anything involving the
8 Halloween incident?
9 A No. 12:45:56PM
10 Q To your knowledge, did Pat Cherry ask 12:45:56PM
11 any of the witnesses, other than any of the
12 witnesses of the names that I've read, to lie
13 about anything involving the Halloween incident?
14 A No. 12:46:07PM
15 Q Okay. Now, you don't know 12:46:10PM
16 specifically -- well, withdrawn.
17 George Hesse never told you why the 12:46:38PM
18 decision was made not to rehire the plaintiffs
19 in this action?
20 A No. 12:46:46PM
21 Q Okay. Mayor Loeffler never told you 12:46:46PM
22 why, in his opinion, the plaintiffs weren't
23 rehired, did he?
24 A No. 12:46:56PM
25 Q How about Mayor Rogers, did she ever 12:46:56PM

Page 609

1 **RICHARD BOSETTI**
2 advise you why, in her opinion, the plaintiffs
3 were never rehired?
4 A Nope. 12:47:03PM
5 Q Paradiso, did he ever advise you his 12:47:04PM
6 opinion as to why the plaintiffs weren't
7 rehired?
8 A Nope. 12:47:09PM
9 Q In fact, you have never been advised 12:47:10PM
10 by anybody in any position of authority as to
11 why the five plaintiffs were not rehired, have
12 you?
13 A No. 12:47:20PM
14 MR. NOVIKOFF: Give me a few minutes 12:47:33PM
15 and let me see if I'm done.
16 THE VIDEOGRAPHER: The time is 12:48. 12:47:36PM
17 We are going off the record.
18 (Whereupon, a discussion was held off 12:47:40PM
19 the record.)
20 THE VIDEOGRAPHER: The time is 12:53. 12:52:09PM
21 We are back on the record.
22 BY MR. NOVIKOFF: 12:52:14PM
23 Q Just a few cleanup questions, sir, 12:52:16PM
24 with regard to the Halloween incident.
25 Jean Yager, she lived on the island, 12:52:21PM

Page 610

1 **RICHARD BOSETTI**
2 right, to your knowledge?
3 A No. 12:52:25PM
4 Q No? 12:52:25PM
5 A No. 12:52:26PM
6 Q Do you know where she was staying the 12:52:26PM
7 night of the Halloween incident?
8 A She had -- they had their own 12:52:29PM
9 apartment at the island.
10 Q At the island? 12:52:33PM
11 A I don't know if they were -- they 12:52:34PM
12 always have an apartment there for the season.
13 At the time, I don't know if they were living
14 and they came in for the Halloween party or if
15 they were still occupying that apartment, but
16 they live on the mainland as a permanent
17 residence.
18 Q Right. Now, to your knowledge, I 12:52:49PM
19 believe you testified to Mr. Goodstadt that the
20 three officers who were involved in the
21 Halloween incident knew where Jeanne Yager
22 lived?
23 A Yes, they did. 12:53:00PM
24 Q And what's the basis for that opinion? 12:53:01PM
25 A She's been there for years, they all 12:53:03PM

Page 611

1 **RICHARD BOSETTI**
2 know her.
3 Q To your knowledge, did any of the 12:53:05PM
4 three officers seek out Jeanne Yager before
5 their shift was over to interview them?
6 A Nope. 12:53:13PM
7 Q To your knowledge, did any of the 12:53:13PM
8 three officers take a witness statement from
9 Dougie Wykoff?
10 A No.. 12:53:21PM
11 Q To your knowledge, did any of the 12:53:21PM
12 three officers take a witness statement from
13 Elyse Miller?
14 A Say that question again. 12:53:30PM
15 Q Did any of the three officers take a 12:53:31PM
16 witness statement that night from Elyse Miller?
17 A No. 12:53:35PM
18 Q To your knowledge, did any of the 12:53:35PM
19 three officers take any witness statement from
20 anyone other than the three alleged victims?
21 A One person, Sean O'Rourke, stated in 12:53:46PM
22 his statement that he was threatened with arrest
23 if he didn't shut the hell up, because he was
24 telling the officers what happened and what he
25 seen. He was threatened with arrest.

39 (Pages 608 to 611)

Page 612

1 RICHARD BOSETTI
2 **Q Well, my question to you is more 12:54:02PM**
3 **specific.**
4 A Okay. 12:54:04PM
5 **Q To your knowledge, did any of the 12:54:04PM**
6 **three officers take a witness statement from**
7 **anybody who witnessed any of the events at the**
8 **Halloween incident?**
9 A No. 12:54:14PM
10 **Q Other than the three alleged victims? 12:54:14PM**
11 A No. 12:54:16PM
12 **Q Okay. 12:54:16PM**
13 MR. NOVIKOFF: And I'm done. Thank 12:54:23PM
14 you.
15 THE WITNESS: That's it? 12:54:26PM
16 MR. NOVIKOFF: That's it. I think 12:54:27PM
17 Mr. Connolly is going to go, and then I
18 don't know what plaintiffs' counsel is going
19 to go.
20 EXAMINATION 12:54:31PM
21 BY MR. CONNOLLY: 12:54:36PM
22 **Q Mr. Bosetti, I just want to clear up 12:54:47PM**
23 **something from what you said yesterday.**
24 A Yes. 12:54:51PM
25 **Q You're aware that I work for the law 12:54:51PM**

Page 613

1 RICHARD BOSETTI
2 **offices of Marks, O'Neil, O'Brien and Courtney,**
3 **that we're counsel for Mr. Hesse as a defendant**
4 **in this lawsuit?**
5 A Yes. 12:55:02PM
6 **Q Yesterday, when Mr. Goodstadt was 12:55:03PM**
7 **questioning you, he asked if you've ever spoken**
8 **to me before.**
9 A Yes. 12:55:10PM
10 **Q Okay. And at that time, I believe you 12:55:10PM**
11 **said you didn't know, okay? Had you ever spoken**
12 **to me before yesterday?**
13 A No. I thought you were affiliated 12:55:19PM
14 with the village --
15 **Q Okay. 12:55:23PM**
16 A -- and that I might have run into you. 12:55:24PM
17 **Q All right. 12:55:27PM**
18 A And now you're clearing it up. I'm 12:55:27PM
19 sorry.
20 **Q And had you ever spoken to anyone from 12:55:29PM**
21 **my firm regarding this case or any other case?**
22 A No. 12:55:37PM
23 MR. GRAFF: Objection. 12:55:37PM
24 MR. CONNOLLY: I have no further 12:55:40PM
25 questions. Thank you.

Page 614

1 RICHARD BOSETTI
2 THE VIDEOGRAPHER: The time is 12:56. 12:55:48PM
3 We are going off the record.
4 (Time noted 12:56 p.m.) 12:56:02PM
5 12:56:02PM
6 RICHARD BOSETTI 12:56:02PM
7 12:56:02PM
8 Subscribed and sworn to before me 12:56:02PM
9 this day of , 2009 12:56:02PM
10 12:56:02PM
11 12:56:02PM
12 12:56:02PM
13 12:56:02PM
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23 12:56:02PM
24 12:56:02PM
25 12:56:02PM

Page 615

1 PROCEEDINGS
2 C E R T I F I C A T E 12:56:02PM
3 12:56:02PM
4 I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public 12:56:02PM
5 and for the State of New York, do hereby certify:
6 THAT the witness whose testimony is hereinbefore 12:56:02PM
7 set forth, was duly sworn by me; and
8 THAT the within transcript is a true record 12:56:02PM
9 of the testimony given by said witness. I further 12:56:02PM
10 certify that I am not related, either by blood or
11 marriage, to any of the parties to this action; and
12 THAT I am in no way interested in the outcome 12:56:02PM
13 this matter.
14 IN WITNESS WHEREOF, I have hereunto set 12:56:02PM
15 my hand this 24th day of February, 2009. 12:56:02PM
16 12:56:02PM
17 12:56:02PM
18 JUDI JOHNSON, RPR, CRR, CLR 12:56:02PM
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Page 616

1 PROCEEDINGS
2 INDEX 12:56:02PM
3 ATTORNEY PAGE 12:56:02PM
4 By Mr. Novikoff 462 12:56:02PM
5 By Mr. Connolly 613 12:56:02PM
6 12:56:02PM
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Page 617

1 ERRATA SHEET
2 NAME OF CASE: CARTER V. OCEAN BEACH 12:56:02PM
3 DATE OF DEPOSITION: February 11, 2009 12:56:02PM
4 NAME OF WITNESS: RICHARD BOSETTI 12:56:02PM
5 12:56:02PM
6 Reason codes: 12:56:02PM
7 1. To clarify the record. 12:56:02PM
8 2. To conform to the facts 12:56:02PM
9 3. To correct the transcription 12:56:02PM
10 errors. 12:56:02PM
11 Page _____ Line _____ Reason _____ 12:56:02PM
12 From _____ to _____ 12:56:02PM
13 Page _____ Line _____ Reason _____ 12:56:02PM
14 From _____ to _____ 12:56:02PM
15 Page _____ Line _____ Reason _____ 12:56:02PM
16 From _____ to _____ 12:56:02PM
17 Page _____ Line _____ Reason _____ 12:56:02PM
18 From _____ to _____ 12:56:02PM
19 Page _____ Line _____ Reason _____ 12:56:02PM
20 From _____ to _____ 12:56:02PM
21 Page _____ Line _____ Reason _____ 12:56:02PM
22 From _____ to _____ 12:56:02PM
23 12:56:02PM
24 _____ 12:56:02PM
RICHARD BOSETTI 12:56:02PM
25

41 (Pages 616 to 617)

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